



Arkansas Compilation of School Discipline Laws and Regulations

Prepared: March 20, 2015

Introduction

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

Notes & Disclaimers

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of March 2015. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

Prepared by:

Child Trends

7315 Wisconsin Avenue

Suite 1200W

Bethesda, Maryland 20814

EMT Associates, Inc.

1024 Iron Point Road

Suite 100 #1300

Folsom, California 95630



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The State of Arkansas contracts with LexisNexis to provide free public access to the Arkansas Code (<http://www.lexisnexis.com/hottopics/arcodes/>). Users must agree to terms and conditions prior to use of the site. All listed statutes are searchable by title and chapter number or by using key search terms.

Title 5. Criminal Offenses

Subtitle 6. Offenses Against Public Health, Safety, Or Welfare

Chapter 71. Riots, Disorderly Conduct, Etc.

Subchapter 2. Offenses Generally

A.C.A. § 5-71-217. Cyberbullying

Chapter 73. Weapons

Subchapter 1. Possession and Use Generally

A.C.A. § 5-73-119. Handguns -- Possession by minor or possession on school property

Title 6. Education

Subtitle 1. General Provisions

Chapter 4. Interstate Compacts

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A.C.A. § 6-4-301.	Title
A.C.A. § 6-4-302.	Adoption of Compact
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A.C.A. § 6-4-304.	Creation of the State Council
A.C.A. § 6-4-305.	Duties of the State Council
A.C.A. § 6-4-306.	Military family education liaison
A.C.A. § 6-4-307.	Fees
A.C.A. § 6-4-308.	Immunity not affected

Chapter 5. Miscellaneous Provisions Relating to Elementary, Secondary, and Higher Education

Subchapter 2. Hazing

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A.C.A. § 6-5-202.	Prohibitions
A.C.A. § 6-5-203.	Penalties

Subtitle 2. Elementary And Secondary Education Generally

Chapter 11. Education

Subchapter 2. State Board of Career Education

A.C.A. § 6-11-209. Additional truancy officers

Chapter 15. Educational Standards and Quality Generally

Subchapter 13. Safe Schools Committee

A.C.A. § 6-15-1303. Safe Schools Initiative Act

Chapter 17. Personnel

Subchapter 1. General Provisions

A.C.A. § 6-17-112. Corporal punishment -- Immunity from liability

A.C.A. § 6-17-113. Duty to report and investigate student criminal acts

Chapter 18. Students

Subchapter 2. Attendance

A.C.A. § 6-18-209. Adoption of student attendance policies -- Effect of unexcused absences

A.C.A. § 6-18-211. Mandatory attendance for students in grades nine through twelve

A.C.A. § 6-18-220. Additional absences granted for participation in FFA, FHA, and 4-H programs --
Equal treatment

A.C.A. § 6-18-221. Cooperation of Law Enforcement Agencies

A.C.A. § 6-18-222. Penalty for unexcused absences -- Revocation of driving privilege

A.C.A. § 6-18-226. Community truancy boards -- Members -- Duties

Subchapter 5. Discipline

A.C.A. § 6-18-501. Duty of teachers, classified school employees, and volunteers

A.C.A. § 6-18-502. Guidelines for development of school district student discipline policies

A.C.A. § 6-18-503. Written student discipline policies required

A.C.A. § 6-18-504. Compliance with §§ 6-18-502 and 6-18-503

A.C.A. § 6-18-505. School Discipline Act

A.C.A. § 6-18-506. School Dismissal Act

A.C.A. § 6-18-507. Suspension -- Expulsion

A.C.A. § 6-18-510. Enrollment during expulsion -- School policy

A.C.A. § 6-18-511. Removal by teacher

A.C.A. § 6-18-512. Seizure of hand-held laser pointers

A.C.A. § 6-18-513. Parental notification

A.C.A. § 6-18-514. Antibullying policies

A.C.A. § 6-18-515. Use of personal electronic devices

A.C.A. § 6-18-516. Effective school discipline

Subchapter 6. Fraternities, Sororities, Etc.

A.C.A. § 6-18-603. Unlawful organizations

A.C.A. § 6-18-605. Suspension or expulsion of members

Subchapter 9. Student Records

A.C.A. § 6-18-901. Maintenance of permanent student records

Subchapter 10. Public School Student Services Act

A.C.A. § 6-18-1001.	Title
A.C.A. § 6-18-1002.	Purpose
A.C.A. § 6-18-1003.	Rules and regulations
A.C.A. § 6-18-1004.	School district plan
A.C.A. § 6-18-1005.	Student services program defined
A.C.A. § 6-18-1006.	Occupational and placement specialist
A.C.A. § 6-18-1007.	School student services status report
A.C.A. § 6-18-1008.	Implementation
A.C.A. § 6-18-1009.	Career development

Subtitle 3. Special Educational Programs

Chapter 48. Alternative Learning Environments

A.C.A. § 6-48-101.	Definitions
A.C.A. § 6-48-102.	Alternative learning environment required -- Reporting
A.C.A. § 6-48-103.	Assessment and intervention services
A.C.A. § 6-48-104.	Department of Education responsibilities

Title 12. Law Enforcement, Emergency Management, and Military Affairs

Subtitle 2. Law Enforcement Agencies and Programs

Chapter 9. Law Enforcement Officer Training and Standards

Subchapter 5. Management Training and Education

A.C.A. § 12-9-501.	Legislative determination
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Arkansas Regulations

Arkansas Department of Education

005.19 Arkansas Department of Education Guidelines for the Development, Review, and Revision of School District Student Discipline and School Safety Policies

4.00.	General guidelines and minimum requirements
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Special Education Procedural Requirements and Program Standards

Time-Out Seclusion Room

20.01.	General
20.02.	Definition
20.03.	Restrictions on the use of a time-out seclusion room
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General Provisions

Authority to develop and establish rules of conduct

LAWS

6-18-501. Duty of teachers, classified school employees, and volunteers.

- (a) Every teacher shall seek to exercise wholesome discipline in his or her school and endeavor by precept and otherwise to instill and cultivate in the pupils good morals and gentle manners.
- (b) Classified school employees and volunteers shall have as a minimum the responsibility to appropriately assist and support teachers in these efforts.

6-18-502. Guidelines for development of school district student discipline policies.

- (a) The Department of Education shall establish guidelines for the development of school district student discipline policies.
- (b) Such guidelines shall include, but not be limited to, the following requirements:
 - (1) Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies;
 - (2) (A) The student discipline policies shall be reviewed annually by the school district's committee on personnel policies.
 - (B) The committee may recommend changes in the policies to the board of directors of the local school district; and
 - (3) Student discipline policies shall include, but not be limited to, the following offenses:
 - (A) Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;
 - (B) Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school board of directors;
 - (C) Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property;
 - (D) Possession by a student of any paging device, beeper, or similar electronic communication device on the school campus, however:
 - (i) The policy may provide an exemption for possession of such a device by a student who is required to use such a device for health or other compelling reasons; and
 - (ii) The policy may exempt possession of such a device after normal school hours for extracurricular activities; and
 - (E) Willfully or intentionally damaging, destroying, or stealing school property by students.
- (c) The school discipline policies shall:
 - (1) Prescribe minimum and maximum penalties, including students' suspension or dismissal from school, for violations of each of the aforementioned offenses and for violations of other practices prohibited by school discipline policies;
 - (2) (A) Prescribe expulsion from school for a period of not less than one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.

- (B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;
- (3) Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school board of directors;
- (4) Include prevention, intervention, and conflict resolution provisions; and
- (5) Set forth the role and authority of public school employees and volunteers as provided in this subchapter.
- (d) Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.
- (e) Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.
- (f) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline training.
- (g) If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.
- (h) In developing the state guidelines for school district discipline policies, the department shall involve parents, students, teachers, and administrators.

6-18-503. Written student discipline policies required.

- (a) (1) (A) Each school district in this state shall develop written student discipline policies in compliance with the guidelines established by the Department of Education and shall file such policies with the department.
 - (B) Guidelines shall include minimum standards of quality, experimentation with innovative programs, and a system to judge the effectiveness of the program.
 - (C) The discipline policy shall include provisions for:
 - (i) Placement of a student with disciplinary, socially dysfunctional, or behavioral problems not associated with a handicapping condition in an alternative learning environment provided by the district; and
 - (ii) Expulsion from school for a period of not less than one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law; provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis.
- (2) Behavioral problems shall include those at risk of not satisfactorily completing a high school education.
- (b) (1) A school district that authorizes use of corporal punishment in its discipline policy shall include provisions for administration of the punishment, including that it be administered only for cause, be reasonable, follow warnings that the misbehavior will not be tolerated, and be administered by a teacher or a school administrator and only in the presence of a school administrator or his or her designee, who shall be a teacher or an administrator employed by the school district.
 - (2) As used in this section, "teachers and administrators" means those persons employed by a school district and required to have a state-issued educator license as a condition of their employment.

(c) (1) A school district shall include in its student discipline policies a provision prohibiting students from wearing, while on the grounds of a public school during the regular school day and at school-sponsored activities and events, clothing that exposes underwear, buttocks, or the breast of a female.

(2) Subdivision (c)(1) of this section shall not apply to a costume or uniform worn by a student while participating in a school-sponsored activity or event.

(3) A school district shall specify in its student discipline policies the disciplinary actions that will be taken against a student for a violation of subdivision (c)(1) of this section.

(4) Subdivision (c)(1) of this section shall not be enforced in a manner that discriminates against a student on the basis of his or her race, color, religion, sex, disability, or national origin.

(d) Any amendments or revisions to a school district's student discipline policies shall be developed and adopted in the same manner as the original policies required by § 6-18-502 and shall be consistent with the guidelines established by the department.

(e) Any amendment or revision to the student discipline policies adopted by a school district shall be submitted to the department within thirty (30) days after the adoption of such amendment or revision.

6-18-505. School Discipline Act.

(a) This section may be cited as the "School Discipline Act".

(b) Every teacher is authorized to hold every pupil strictly accountable for any disorderly conduct in school or on the playground of the school, or on any school bus going to or returning from school, or during intermission or recess.

(c) (1) Any teacher or school administrator in a school district that authorizes use of corporal punishment in the district's written student discipline policy may use corporal punishment, provided only that the punishment is administered in accord with the district's written student discipline policy, against any pupil in order to maintain discipline and order within the public schools.

(2) As used in subdivision (c)(1) of this section, "teachers and administrators" means those persons employed by a school district and required to have a state-issued educator license as a condition of their employment.

6-18-506. School Dismissal Act.

(a) This section may be cited as the "School Dismissal Act".

(b) Every school district board of directors shall adopt and file with the Department of Education written policies concerning the violation of school standards such as disrespect for teachers and classified school employees, vandalism, and other undesirable behavioral patterns.

(c) Every school district board of directors in this state shall hold its pupils strictly accountable for any disorderly conduct in school, on the school grounds, in a school bus, or at any school function.

6-18-512. Seizure of hand-held laser pointers.

Each school district shall adopt a policy providing for the seizure by school personnel of hand-held laser pointers in the possession of students.

REGULATIONS

No relevant regulations found.

Scope

LAWS

6-18-505. School Discipline Act.

- (a) This section may be cited as the "School Discipline Act".
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- (b) Every school district board of directors shall adopt and file with the Department of Education written policies concerning the violation of school standards such as disrespect for teachers and classified school employees, vandalism, and other undesirable behavioral patterns.
- (c) Every school district board of directors in this state shall hold its pupils strictly accountable for any disorderly conduct in school, on the school grounds, in a school bus, or at any school function.

6-18-515. Use of personal electronic devices.

- (b) A school district may establish a written student discipline policy and exemptions concerning the possession and use by a student of a personal electronic device:
 - (1) On school property;
 - (2) At an after-school activity; or
 - (3) At a school-related function.
- (c) The policy may, without limitation:
 - (1) Allow or restrict the possession and use of a personal electronic device;
 - (2) Allow the use of a personal electronic device in school for instructional purposes at the discretion of a teacher or administrator;
 - (3) Limit the times or locations in which a personal electronic device may be used to make telephone calls, send text messages or emails, or engage in other forms of communication;
 - (4) Allow or prohibit the use of any photographic, audio, or video recording capabilities of a personal electronic device while in school;
 - (5) Exempt the possession or use of a personal electronic device by a student who is required to use such a device for health or another compelling reason;
 - (6) Exempt the possession or use of a personal electronic device after normal school hours for extracurricular activities; and
 - (7) Include other relevant provisions deemed appropriate and necessary by the school district.

REGULATIONS

No relevant regulations found.

Communication of policy

LAWS

6-18-502. Guidelines for development of school district student discipline policies.

(d) Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.

(e) Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.

REGULATIONS

No relevant regulations found.

In-School Discipline

Use of multi-tiered discipline approaches

LAWS

6-18-502. Guidelines for development of school district student discipline policies.

- (a) The Department of Education shall establish guidelines for the development of school district student discipline policies.
- (b) Such guidelines shall include, but not be limited to, the following requirements:
 - (1) Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies;
 - (2) (A) The student discipline policies shall be reviewed annually by the school district's committee on personnel policies.
(B) The committee may recommend changes in the policies to the board of directors of the local school district; and
 - (3) Student discipline policies shall include, but not be limited to, the following offenses:
 - (A) Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;
 - (B) Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school board of directors;
 - (C) Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property;
 - (D) Possession by a student of any paging device, beeper, or similar electronic communication device on the school campus, however:
 - (i) The policy may provide an exemption for possession of such a device by a student who is required to use such a device for health or other compelling reasons; and
 - (ii) The policy may exempt possession of such a device after normal school hours for extracurricular activities; and
 - (E) Willfully or intentionally damaging, destroying, or stealing school property by students.
- (c) The school discipline policies shall:
 - (1) Prescribe minimum and maximum penalties, including students' suspension or dismissal from school, for violations of each of the aforementioned offenses and for violations of other practices prohibited by school discipline policies;
 - (2) (A) Prescribe expulsion from school for a period of not less than one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.
(B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;
 - (3) Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school board of directors;
 - (4) Include prevention, intervention, and conflict resolution provisions; and

- (5) Set forth the role and authority of public school employees and volunteers as provided in this subchapter.
- (d) Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.
- (e) Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.
- (f) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline training.
- (g) If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.
- (h) In developing the state guidelines for school district discipline policies, the department shall involve parents, students, teachers, and administrators.

REGULATIONS

No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

6-18-511. Removal by teacher.

- (a) Consistent with state and federal law, a teacher may remove a student from class and send him or her to the principal's or principal's designee's office in order to maintain effective discipline in the classroom.
- (b) A teacher may remove from class a student:
 - (1) Who has been documented by the teacher as repeatedly interfering with the teacher's ability to teach the students in the class or with the ability of the student's classmates to learn; or
 - (2) Whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to teach the students in the class or with the ability of the student's classmates to learn.
- (c) If a teacher removes a student from class in accordance with subsection (b) of this section, the principal or his or her designee may:
 - (1) Place the student into another appropriate classroom, into in-school suspension, or into the district's alternative learning environment established in accordance with § 6-18-508, so long as such placement is consistent with the school district's written student discipline policy;
 - (2) Return the student to the class; or
 - (3) Take other appropriate action consistent with the school district's discipline policy, state law, and federal law.
- (d) (1) If a teacher removes a student from class two (2) times during any nine-week grading period or its equivalent as determined by the Department of Education, the principal or the principal's designee may not return the student to the teacher's class unless a conference is held for the purpose of determining the causes of the problem and possible solutions, with the following individuals present:
 - (A) The principal or the principal's designee;

- (B) The teacher;
- (C) The school counselor;
- (D) The parents, guardians, or persons in loco parentis; and
- (E) The student, if appropriate.

(2) The failure of the parents, guardians, or persons in loco parentis to attend the conference provided for in this subsection (d) shall not prevent the conference from being held nor prevent any action from being taken as a result of that conference.

REGULATIONS

No relevant regulations found.

Alternatives to suspension

LAWS

6-18-209. Adoption of student attendance policies -- Effect of unexcused absences.

- (a) The board of directors of each school district in this state shall adopt student attendance policies.
- (b) Each school district, as a part of its six-year educational plan, shall develop strategies for promoting maximum student attendance, including, but not limited to, the use of alternative classrooms and in-school suspensions in lieu of suspension from school.
- (c) A student attendance policy may include unexcused absences as a mandatory basis for denial of promotion or graduation.

6-18-1001. Title.

This subchapter shall be known and may be cited as the "Public School Student Services Act".

6-18-1002. Purpose.

It is the intent of the General Assembly to articulate the functions served by each of the components of a program of student services. It is further the intent of the General Assembly that each school district develop and implement a plan for providing student services to all students in the public school system, including area vocational-technical schools. Such plan shall be implemented no later than the 1991-1992 school year. It is the intent of the General Assembly that student services coordinators be given time to fulfill their responsibilities under this subchapter.

6-18-1003. Rules and regulations.

The State Board of Education is authorized to adopt rules to carry out the intent of this legislation; such rules shall include, but need not be limited to:

- (1) A description of the student services program at all educational levels for which the school board of directors is responsible;
- (2) Criteria for the development by each school of a building-based student services plan which reflects input from parents, teachers, principals, students, and other agencies;
- (3) Identification of alternative student services personnel who do not meet traditional graduate school requirements and who may be used by the school board of directors in providing the recommended student services, including, but not limited to, paraprofessionals, teachers, parents, and representatives of business and industry; and
- (4) Establishment of minimum standards for all areas of student services personnel.

6-18-1004. School district plan.

(a) (1) Each school district shall develop and implement a plan that ensures that individual student services are coordinated in a manner utilizing such techniques as differentiated staffing so as to make maximum use of the contribution of each service.

(2) Only those trained and certified in the appropriate specialty or following a Department of Education's deficiency removal plan will be assigned to carry out the duties of each service.

(b) Each school district plan shall reflect the use of alternative methods of classroom management. Such methods may include, but are not limited to, the following:

(1) Behavioral contracting;

(2) Dispute resolution;

(3) Classroom meetings;

(4) Logical consequences;

(5) Assertive discipline;

(6) Behavior modification; and

(7) Career and academic counseling.

(c) (1) Each school district plan shall provide for a district-level tracking system for school dropouts and for students who fail to reach proficiency on state-mandated assessments.

(2) The tracking system shall include provisions for student services personnel in all schools to conduct exit interviews of students who are dropping out of school and for follow-up of such students when possible.

(d) The superintendent of a school district not in substantial compliance with the terms of its plan may be requested to appear before the Senate Interim Committee on Education and the House Interim Committee on Education.

6-18-1005. Student services program defined.

(a) "Student services program" means a coordinated effort, which shall include, but is not limited to:

(1) Guidance and counseling services, which shall include, but are not limited to:

(A) The availability of individual and group counseling to all students;

(B) Orientation programs for new students at each level of education and for transferring students;

(C) Academic advisement for class selection by establishing academic goals in elementary, middle, and high school;

(D) Consultation with parents, faculty, and out-of-school agencies concerning student problems and needs;

(E) Utilization of student records and files;

(F) Interpretation of augmented, criterion-referenced, or norm-referenced assessments and dissemination of results to the school, students, parents, and community;

(G) The following up of early school dropouts and graduates;

(H) A school-initiated system of parental involvement;

(I) An organized system of informational resources on which to base educational and vocational decision making;

(J) Educational, academic assessment, and career counseling, including advising students on the national college assessments, workforce opportunities, and alternative programs that could provide successful high school completion and postsecondary opportunities for students;

- (K) Coordinating administration of the Test for Adult Basic Education or the General Educational Development pretest to students by designating appropriate personnel, other than the school guidance counselor, to administer the tests;
 - (L) Classroom guidance, which shall be limited to forty-minute class sessions, not to exceed three (3) per day or ten (10) per week; and
 - (M) Guidance in understanding the relationship between classroom performance and success in school;
- (2) Psychological services, which shall include, but are not limited to, the following:
- (A) Evaluation of students with learning or adjustment problems;
 - (B) Evaluation of students in exceptional child education programs;
 - (C) Consultation and counseling with parents, students, and school personnel to ensure that all students are ready to succeed and that all students are preparing for college and work;
 - (D) A system for the early identification of learning potential and factors that affect the child's educational performance;
 - (E) A system of liaison and referrals, with resources available outside the school; and
 - (F) Written policies that assure ethical procedures in psychological activities;
- (3) Visiting teacher and school social work services, which shall include, but are not limited to, the following:
- (A) Providing casework to assist in the prevention and remediation of problems of attendance, behavior, adjustment, and learning; and
 - (B) Serving as liaison between the home and school by making home visits and referring students and parents to appropriate school and community agencies for assistance;
- (4) Career services, which shall include, but are not limited to, the dissemination of career education information, appropriate course-taking patterns, and the effect of taking more rigorous courses so that students are better prepared for college and work success;
- (5) Group conflict resolution services, which shall include, but are not limited to, the following:
- (A) Educational and social programs that help students develop skills enabling them to resolve differences and conflicts between groups;
 - (B) Programs designed to promote understanding, positive communication, and greater utilization of a race relations specialist or human relations specialist to assist in the development of intergroup skills; and
 - (C) Programs designed to prevent bullying;
- (6) Health services, which shall include, but are not limited to, the following:
- (A) Students with special health care needs, including the chronically ill, medically fragile, and technology-dependent, and students with other health impairments shall have individualized health care plans;
 - (B) (i) Invasive medical procedures required by students and provided at the school shall be performed by trained, licensed personnel who are licensed to perform the task subject to § 17-87-102(6)(D) or other professional licensure statutes, unless permitted under § 17-87-103(10) and (11).
 - (ii) The regular classroom teacher shall not perform these tasks, except that public school employees may volunteer to be trained and administer glucagon to a student with type 1 diabetes in an emergency situation permitted under § 17-87-103(11); and

(C) Custodial health care services required by students under individualized health care plans shall be provided by trained school employees other than the regular classroom teachers; and

(7) The distribution of a suicide prevention public awareness program developed for distribution by the Arkansas Youth Suicide Prevention Task Force.

(b) School counselors shall spend at least seventy-five percent (75%) of work time each month during the school year providing direct counseling related to students and shall devote no more than twenty-five percent (25%) of work time each month during the school year to administrative activities provided that the activities relate to the provision of guidance services.

6-18-1006. Occupational and placement specialist.

(a) The occupational and placement specialist shall serve as liaison between employers and the school.

(b) It is the responsibility of the district placement to make written board recommendations to the superintendent for consideration by the district school board of directors concerning areas of curriculum deficiency having an adverse effect on the employability of job candidates or progress in subsequent education experiences.

(c) Furthermore, district administrative personnel shall report to the school board of directors concerning adjustments in program outcomes, curricula, and delivery of instruction as they are made with the use of placement and follow-up information.

(d) The follow-up studies conducted by occupational and placement services shall be on a statistically valid random-sampling basis when appropriate and shall be stratified to reflect the appropriate vocational programs of students graduating from or leaving the public school system.

6-18-1007. School student services status report.

(a) By January 1, 1994, and each year thereafter, the Department of Education shall compile and present to the Governor, the State Board of Education, the Senate Interim Committee on Education, and the House Interim Committee on Education a report outlining monitoring findings and the status of implementing each of the provisions of this subchapter by the various school districts, including which districts are in substantial compliance with the plan required under this subchapter.

(b) (1) (A) By January 1, 1998, the department shall have in place a staffing structure which assures that the department's administration and field service staff are responsible for monitoring the department and local school district implementation and compliance with the provisions of this subchapter.

(B) The department shall employ one (1) or more persons who shall have a minimum qualification of certification as a school counselor.

(2) Each school district shall be responsible for submitting an annual report to the Assistant Director for School Improvement and Instructional Support of the Department of Education outlining its compliance with and implementation of plans for the provisions of this section.

(3) (A) The Commissioner of Education, in consultation with the appropriate assistant director, shall designate an individual or individuals who shall have a minimum qualification of certification as a school counselor to be responsible for coordinating the monitoring of compliance with this section.

(B) The monitoring shall include interviews with administrators, counselors, students, and teachers.

6-48-101. Definitions.

As used in this chapter:

(1) (A) (i) "Alternative learning environment" means an alternate class or school that affords all students an environment that seeks to eliminate barriers to learning for students whose academic and social progress are negatively affected by the student's personal characteristics or situation.

(ii) The Department of Education shall by rule more fully define the student's personal characteristics and situations applicable under this chapter.

(B) An alternative learning environment is not a punitive environment but one that is conducive to learning; and

(2) "Intervention services" means activities within or outside a school that will eliminate traditional barriers to learning.

6-48-102. Alternative learning environment required -- Reporting.

(a) (1) A school district shall provide one (1) or more alternative learning environments for all students who meet the minimum criteria established by the Department of Education.

(2) A school district complies with this section if the school district provides an alternative learning environment by one (1) or more of the following methods:

(A) Establishes and operates an alternative learning environment;

(B) Cooperates with one (1) or more other school districts to establish and operate an alternative learning environment; or

(C) Uses an alternative learning environment operated by an education service cooperative established under The Education Service Cooperative Act of 1985, § 6-13-1001 et seq.

(b) Annually, a school district shall submit to the department:

(1) Information on race and gender of the students educated in the alternative learning environment;

(2) Any other information regarding students educated in alternative learning environments that the department requires by rule; and

(3) An assurance statement that the school district is in compliance with this chapter.

6-48-103. Assessment and intervention services.

(a) An alternative learning environment shall:

(1) Assess a student either before or upon entry into the alternative learning environment; and

(2) Provide intervention services designed to address a student's specific educational needs.

(b) (1) A student assigned to an alternative learning environment for behavioral reasons shall receive intervention services designed to address the student's behavioral needs.

(2) The intervention services shall not be punitive in nature but shall be designed for long-term improvement of the student's ability to control his or her behavior.

6-48-104. Department of Education responsibilities.

(a) The Department of Education shall promulgate rules to implement this chapter, including without limitation rules that establish:

(1) (A) The criteria for distributing state funding for alternative learning environment programs.

(B) The criteria shall identify the characteristics of students who may be counted for the purpose of funding an alternative learning environment program including without limitation that a student is educated in the alternative learning environment for a minimum of twenty (20) consecutive days.

(C) If a student is educated in the alternative learning environment for fewer than twenty (20) days, the department may provide funding to a school district based on the actual number of days the student is educated in the alternative learning environment if the student:

(i) Leaves the school district to transfer to another alternative learning environment; or

(ii) Is placed in a residential treatment program;

- (2) (A) The criteria for teacher training for teachers in alternative learning environments, including without limitation:
 - (i) In-service training in classroom management; and
 - (ii) Training in additional areas related to the specific needs and characteristics of students who are educated in alternative learning environments.
- (B) The department shall award professional development credit for the training under this subdivision (a)(2); and
- (3) Measures of effectiveness for alternative learning environments that measure:
 - (A) For the students educated in the alternative learning environment the effect on the students':
 - (i) School performance;
 - (ii) Need for intervention; and
 - (iii) School attendance and dropout rate; and
 - (B) Any other characteristic of alternative learning environments deemed necessary by the department.
- (b) (1) As part of the department's accreditation review of a school district under § 6-15-202, the department shall evaluate each alternative learning environment to ensure that the alternative learning environment is:
 - (A) Established and operated in compliance with this chapter; and
 - (B) Effective under the measurements established by the department under this section.
- (2) The department shall identify a school district's noncompliance with this chapter on the school district's annual report card.
- (c) The department shall identify information concerning best practices for educating students in alternative learning environments and disseminate that information to teachers and administrators working in alternative learning environments.
- (d) Annually by September 15 the department shall provide to the House Interim Committee on Education and the Senate Interim Committee on Education a report on:
 - (1) The information reported to it under § 6-48-102; and
 - (2) The effectiveness of alternative learning environments evaluated under this chapter.

REGULATIONS

No relevant regulations found.

Use of corporal punishment

LAWS

6-17-112. Corporal punishment -- Immunity from liability.

- (a) Teachers and administrators in a school district that authorizes use of corporal punishment in the school district's written student discipline policy shall be immune from any civil liability for administering corporal punishment to students, provided only that the corporal punishment is administered in substantial compliance with the school district's written student discipline policy.
- (b) As used in subsection (a) of this section, "teachers and administrators" means those persons employed by a school district and required to have a state-issued license as a condition of their employment.

6-18-503. Written student discipline policies required.

(b) (1) A school district that authorizes use of corporal punishment in its discipline policy shall include provisions for administration of the punishment, including that it be administered only for cause, be reasonable, follow warnings that the misbehavior will not be tolerated, and be administered by a teacher or a school administrator and only in the presence of a school administrator or his or her designee, who shall be a teacher or an administrator employed by the school district.

(2) As used in this section, "teachers and administrators" means those person employed by a school district and required to have a state-issued educator license as a condition of their employment.

6-18-505. School Discipline Act.

(c) (1) Any teacher or school administrator in a school district that authorizes use of corporal punishment in the district's written student discipline policy may use corporal punishment, provided only that the punishment is administered in accord with the district's written student discipline policy, against any pupil in order to maintain discipline and order within the public schools.

(2) As used in subdivision (c)(1) of this section, "teachers and administrators" means those persons employed by a school district and required to have a state-issued educator license as a condition of their employment.

REGULATIONS

4.00. General guidelines and minimum requirements.

4.11. A school district that authorizes the use of corporal punishment in its discipline policy shall include provisions for administration of the punishment, including that it be administered only for cause, be reasonable, follow warnings that the misbehavior will not be tolerated, and be administered by a teacher or a school administrator and only in the presence of a school administrator or his or her designee, who shall be a teacher or an administrator employed by the school district.

4.11.1. "Teachers and administrators" means those persons employed by a school district and required to have a state-issued license as a condition of their employment.

4.11.2. Any teacher or school administrator in a school district that authorizes use of corporal punishment in the district's written student discipline policy may use corporal punishment, provided only that the punishment is administered in accord with the district's written student discipline policy, against any pupil in order to maintain discipline and order within the public schools.

Use of student and locker searches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Other in-school disciplinary approaches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

6-18-502. Guidelines for development of school district student discipline policies.

- (a) The Department of Education shall establish guidelines for the development of school district student discipline policies.
- (b) Such guidelines shall include, but not be limited to, the following requirements:
 - (1) Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies;
 - (2) (A) The student discipline policies shall be reviewed annually by the school district's committee on personnel policies.
(B) The committee may recommend changes in the policies to the board of directors of the local school district; and
 - (3) Student discipline policies shall include, but not be limited to, the following offenses:
 - (A) Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;
 - (B) Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school board of directors;
 - (C) Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property;
 - (D) Possession by a student of any paging device, beeper, or similar electronic communication device on the school campus, however:
 - (i) The policy may provide an exemption for possession of such a device by a student who is required to use such a device for health or other compelling reasons; and
 - (ii) The policy may exempt possession of such a device after normal school hours for extracurricular activities; and
 - (E) Willfully or intentionally damaging, destroying, or stealing school property by students.
- (c) The school discipline policies shall:
 - (1) Prescribe minimum and maximum penalties, including students' suspension or dismissal from school, for violations of each of the aforementioned offenses and for violations of other practices prohibited by school discipline policies;
 - (2) (A) Prescribe expulsion from school for a period of not less than one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.
(B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;
 - (3) Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school board of directors;

- (4) Include prevention, intervention, and conflict resolution provisions; and
- (5) Set forth the role and authority of public school employees and volunteers as provided in this subchapter.
- (d) Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.
- (e) Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.
- (f) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline training.
- (g) If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.
- (h) In developing the state guidelines for school district discipline policies, the department shall involve parents, students, teachers, and administrators.

REGULATIONS

No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

6-5-203. Penalties.

- (a) The offense of hazing is a Class B misdemeanor.
- (b) Upon conviction of any student of the offense of hazing, he or she shall, in addition to any punishment imposed by the court, be expelled from the school, college, university, or other educational institution he or she is attending.

6-18-502. Guidelines for development of school district student discipline policies.

- (a) The Department of Education shall establish guidelines for the development of school district student discipline policies.
- (b) Such guidelines shall include, but not be limited to, the following requirements:
 - (1) Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies;
 - (2) (A) The student discipline policies shall be reviewed annually by the school district's committee on personnel policies.
 - (B) The committee may recommend changes in the policies to the board of directors of the local school district; and
 - (3) Student discipline policies shall include, but not be limited to, the following offenses:
 - (A) Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;
 - (B) Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school board of directors;

(C) Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property;

(D) Possession by a student of any paging device, beeper, or similar electronic communication device on the school campus, however:

(i) The policy may provide an exemption for possession of such a device by a student who is required to use such a device for health or other compelling reasons; and

(ii) The policy may exempt possession of such a device after normal school hours for extracurricular activities; and

(E) Willfully or intentionally damaging, destroying, or stealing school property by students.

(c) The school discipline policies shall:

(1) Prescribe minimum and maximum penalties, including students' suspension or dismissal from school, for violations of each of the aforementioned offenses and for violations of other practices prohibited by school discipline policies;

(2) (A) Prescribe expulsion from school for a period of not less than one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.

(B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;

(3) Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school board of directors;

(4) Include prevention, intervention, and conflict resolution provisions; and

(5) Set forth the role and authority of public school employees and volunteers as provided in this subchapter.

(d) Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.

(e) Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.

(f) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline training.

(g) If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.

(h) In developing the state guidelines for school district discipline policies, the department shall involve parents, students, teachers, and administrators.

6-18-605. Suspension or expulsion of members.

It shall be the duty of school directors and boards of education, school inspectors, and other corporate authority managing and controlling any of the public schools of the state to suspend or expel from the schools under their control any pupil who shall:

(1) Be or remain a member, promise to join, become a member, or solicit other persons to join, promise to join, or pledge to become a member of any such public school fraternity, sorority, or secret society or organization;

- (2) Wear or display any insignia of such fraternity, sorority, or secret society or organization while in and attending public schools.

REGULATIONS

No relevant regulations found.

Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Administrative procedures related to suspension and expulsion

LAWS

6-18-502. Guidelines for development of school district student discipline policies.

- (a) The Department of Education shall establish guidelines for the development of school district student discipline policies.
- (b) Such guidelines shall include, but not be limited to, the following requirements:
 - (1) Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies;
 - (2) (A) The student discipline policies shall be reviewed annually by the school district's committee on personnel policies.
 - (B) The committee may recommend changes in the policies to the board of directors of the local school district; and
 - (3) Student discipline policies shall include, but not be limited to, the following offenses:
 - (A) Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;
 - (B) Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school board of directors;
 - (C) Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property;
 - (D) Possession by a student of any paging device, beeper, or similar electronic communication device on the school campus, however:
 - (i) The policy may provide an exemption for possession of such a device by a student who is required to use such a device for health or other compelling reasons; and
 - (ii) The policy may exempt possession of such a device after normal school hours for extracurricular activities; and
 - (E) Willfully or intentionally damaging, destroying, or stealing school property by students.
- (c) The school discipline policies shall:

- (1) Prescribe minimum and maximum penalties, including students' suspension or dismissal from school, for violations of each of the aforementioned offenses and for violations of other practices prohibited by school discipline policies;
 - (2) (A) Prescribe expulsion from school for a period of not less than one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.
(B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;
 - (3) Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school board of directors;
 - (4) Include prevention, intervention, and conflict resolution provisions; and
 - (5) Set forth the role and authority of public school employees and volunteers as provided in this subchapter.
- (d) Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.
- (e) Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.
- (f) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline training.
- (g) If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.
- (h) In developing the state guidelines for school district discipline policies, the department shall involve parents, students, teachers, and administrators.

6-18-507. Suspension -- Expulsion.

- (a) As used in this section:
- (1) "Course time" means the number of hours of instruction devoted to a single subject during the school week;
 - (2) "Expulsion" means dismissal from school for a period of time that exceeds ten (10) days;
 - (3) "Nontraditional scheduling" means block or other alternative scheduling as defined by the Department of Education; and
 - (4) "Suspension" means dismissal from school for a period of time that does not exceed ten (10) days.
- (b) The board of directors of a school district may suspend or expel any student from school for violation of the school district's written discipline policies, except that a school district shall not use out-of-school suspension as a discipline measure for truancy.
- (c) (1) The board of directors may authorize a teacher or an administrator to suspend any student for a maximum of ten (10) school days for violation of the school district's written discipline policies, subject to appeal to the superintendent or his or her designee; however, schools that utilize nontraditional scheduling may not suspend students from more course time than would result from a ten-day suspension under the last traditional schedule used by the school district.
- (2) If the superintendent initiates the suspension process, the decision may be appealed to the board of directors.

(d) (1) A superintendent may recommend the expulsion of a student for more than ten (10) days for violation of the school district's written discipline policies, subject to appeal to the board of directors and to requirements of the federal Individuals with Disabilities Education Act.

(2) (A) After hearing all testimony and debate on a suspension, expulsion, or appeal, the board of directors may consider its decision in executive session without the presence of anyone other than the board members.

(B) At the conclusion of an executive session, the board of directors shall reconvene in public session to vote on the suspension, expulsion, or appeal.

(3) A school district board of directors meeting entertaining an appeal shall be conducted in executive session if requested by the parent or guardian of the student provided that after hearing all testimony and debate, the board of directors shall conclude the executive session and reconvene in public session to vote on such appeal.

(e) (1) The superintendent of any school district shall recommend the expulsion of any student from school for a period of not less than one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law; provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis.

(2) All school districts shall adopt a written policy regarding expulsion of a student for possessing a firearm or other prohibited weapon on school property that shall require parents, guardians, or other persons in loco parentis of a student expelled under this subsection to sign a statement acknowledging that the parents have read and understand current laws regarding the possibility of parental responsibility for allowing a child to possess a weapon on school property. The statement shall be signed by the parents, guardians, or other persons in loco parentis prior to readmitting a student or enrolling a student in any public school immediately after the expiration of an expulsion period pursuant to this subsection.

(3) (A) The school administrators and the local school board of directors shall complete the expulsion process of any student that was initiated because the student possessed a firearm or other prohibited weapon on school property regardless of the enrollment status of the student.

(B) The principal of each school shall report within a week to the department the name, current address, and social security number of any student who is expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence.

(C) The expulsion shall be noted on the student's permanent school record.

(D) Nothing in this subdivision (e)(3) shall be construed to limit a superintendent's discretion to modify the expulsion requirement for a student on a case-by-case basis as set out in this subsection.

(4) (A) The department shall establish and maintain a registry of students who are expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence.

(B) The names, addresses, and social security numbers of all students listed in the registry shall be available by phone, facsimile, or mail to any school principal in the state.

(f) (1) Upon suspension of a student, the school shall immediately contact the student's parent or legal guardian to notify the parent or legal guardian of the suspension.

(2) Each parent or legal guardian shall provide the school:

(A) (i) A primary call number.

(ii) If the call number changes, the parent or legal guardian shall notify the school of the new primary call number;

(B) An email address if the parent or guardian does not have a telephone; or

- (C) A current mailing address if the parent or guardian does not have a telephone or email address.
- (3) The contact required in subsection (f) of this section is sufficient if made by:
 - (A) Direct contact with the parent or legal guardian at the primary call number or in person;
 - (B) Leaving a voice mail at the primary call number;
 - (C) Sending a text message to the primary call number;
 - (D) Email if the school is unable to make contact through the primary call number; or
 - (E) Regular first-class mail if the school is unable to make contact through the primary call number or email.
- (4) The school shall keep a notification log of contacts attempted and made to the parent or legal guardian.
- (g) A public school shall indicate on a student's attendance record if a student's absence is the result of an out-of school suspension.

REGULATIONS

No relevant regulations found.

In-school suspension

LAWS

6-18-209. Adoption of student attendance policies -- Effect of unexcused absences.

- (a) The board of directors of each school district in this state shall adopt student attendance policies.
- (b) Each school district, as a part of its six-year educational plan, shall develop strategies for promoting maximum student attendance, including, but not limited to, the use of alternative classrooms and in-school suspensions in lieu of suspension from school.
- (c) A student attendance policy may include unexcused absences as a mandatory basis for denial of promotion or graduation.

6-18-511. Removal by teacher.

- (a) Consistent with state and federal law, a teacher may remove a student from class and send him or her to the principal's or principal's designee's office in order to maintain effective discipline in the classroom.
- (b) A teacher may remove from class a student:
 - (1) Who has been documented by the teacher as repeatedly interfering with the teacher's ability to teach the students in the class or with the ability of the student's classmates to learn; or
 - (2) Whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to teach the students in the class or with the ability of the student's classmates to learn.
- (c) If a teacher removes a student from class in accordance with subsection (b) of this section, the principal or his or her designee may:
 - (1) Place the student into another appropriate classroom, into in-school suspension, or into the district's alternative learning environment established in accordance with § 6-18-508, so long as such placement is consistent with the school district's written student discipline policy;
 - (2) Return the student to the class; or

(3) Take other appropriate action consistent with the school district's discipline policy, state law, and federal law.

(d) (1) If a teacher removes a student from class two (2) times during any nine-week grading period or its equivalent as determined by the Department of Education, the principal or the principal's designee may not return the student to the teacher's class unless a conference is held for the purpose of determining the causes of the problem and possible solutions, with the following individuals present:

- (A) The principal or the principal's designee;
- (B) The teacher;
- (C) The school counselor;
- (D) The parents, guardians, or persons in loco parentis; and
- (E) The student, if appropriate.

(2) The failure of the parents, guardians, or persons in loco parentis to attend the conference provided for in this subsection (d) shall not prevent the conference from being held nor prevent any action from being taken as a result of that conference.

REGULATIONS

No relevant regulations found.

Return to school following removal

LAWS

6-18-510. Enrollment during expulsion -- School policy.

The board of directors of any school district may adopt a policy that, after a hearing before the board of directors, any person who has been expelled as a student from any other school district may not enroll as a student until the time of the person's expulsion has expired.

REGULATIONS

No relevant regulations found.

Use of restraint and seclusion

LAWS

6-18-516. Effective school discipline.

(e)(1) The department shall survey districts to determine which school districts are currently implementing evidence-based strategies, including without limitation:

- (A) Positive behavior interventions and support systems; and
- (B) Restorative justice.

(2) The department shall:

- (A) Develop information concerning the resources needed by school districts to reduce discipline and the restraint of students with disabilities using the strategies in subdivision (e)(1) of this section; and
- (B) Provide the information for inclusion in the educational adequacy study required under § 10-3-2102(a)(1)-(4).

REGULATIONS

20.01. General.

1. The time-out seclusion room is an extension of such techniques as turning a chair away from a group or placing a student in a corner or in the hallway.
2. Time-out is only effective if the classroom environment from which the student is removed is more reinforcing than the isolation area in which he is placed.

20.02. Definition.

1. Time-out As used in these regulations, time-out is defined as the removal of the opportunity to engage in reinforced behavior.

20.03. Restrictions on the use of a time-out seclusion room.

1. Time-out seclusion should be used only for behaviors that are destructive to property, aggressive toward others or severely disruptive to the class environment. General noncompliance, selfstimulation, academic refusal, etc., can be responded to with less stringent and restrictive techniques.
2. The time-out seclusion room should be used only as a last resort if and when less restrictive means of controlling behavior have proven ineffective.
3. The necessity of using physical force to place a student in a timeout seclusion room is inappropriate beyond that reasonably managed by the classroom teacher.
 - 3.1 Involuntary time-out must not be used with such students and, in general, time-out is not an appropriate intervention for classroom use with any students older than 12 unless they have made a contractual agreement for its use.
 - 3.2 It is important that teachers realistically evaluate their ability to physically remove a student to the time-out room.
 - 3.3 If there is a reasonable doubt concerning the capability of the teacher to physically remove the resistant student, the teacher should not begin to attempt the time-out procedure. In such a case, an alternative strategy should be implemented.
4. Time-out seclusion rooms must meet structural guidelines and provide for continuous monitoring, visually and auditorily, of the student's behavior by an adult. (Refer to § 20.04.9 of this part for structural guidelines.)

20.04. Guidelines for appropriate use of a time-out seclusion room.

1. The teacher or behavioral specialist should have documentation that milder forms of time-out or other reduction techniques have proven ineffective in suppressing the inappropriate behavior.
2. The use of seclusion time-out and the behaviors which will result in its use must be explicitly stated in the student's IEP. Parent consent for the use of a time-out seclusion procedure should be documented.
3. Time-out must be paired with a behavioral plan to provide positive reinforcement for appropriate behaviors. This must also be included in the student's IEP.
4. Written procedures must be developed and followed for each student whose IEP includes the use of time-out.
5. The following guidelines should be adhered to for effective use of the timeout seclusion room.
 - 5.1. Avoid lengthy verbal explanations. Behaviors resulting in time-out should be clearly explained prior to implementing the time-out program. Explanations provided during use of time-out should be brief, but should adequately inform the student of his/her misbehavior, such as, "Because you _____, you must go to time-out for _____ minutes." All other verbal interaction should be avoided.

5.2. To maximize opportunities to exercise self-control, students should be given the opportunity to take their own time-out after receiving instructions from the teacher. However, if students refuse to take their own time-out, or if they fail to respond to the teacher's instructions within a reasonable time interval (5 to 10 seconds), the teacher should physically remove them to the time-out area. (Refer to § 20.03.3 of these regulations regarding physically removing the child to the time-out area.)

5.3. For high intensity behavior (e.g., kicking, screaming), the student should immediately be escorted to the time-out room.

6. Time Spent In Time-Out Seclusion Room

6.1. Length of time spent in the time-out seclusion room must be documented and kept within the specified time limits -

A. Preschool - no more than 5 minutes for each exclusion.

B. Lower elementary - no more than 15 minutes for each exclusion.

C. Middle/upper elementary - no more than 20 minutes for each exclusion.

6.2. At the end of the prescribed time, the student should be offered the opportunity to rejoin the class. If the student chooses to stay in time-out, the door must be left open at this time. When a student consistently chooses to stay in the time-out seclusion room beyond the prescribed time limit, the use of this procedure must be reviewed. The time-out room may be providing more reinforcement than the environment from which the student was removed.

6.3. Should there be a need for a time-out period to extend past the prescribed time limits, the appropriateness of continuing the time-out procedure should be evaluated immediately by knowledgeable professionals (i.e., principal, counselor, special education staff).

6.4. Careful consideration must be taken in extending the prescribed length of the time-out seclusion. The effectiveness of the time-out procedure is the result of its consistent use, rather than the length of stay in the time-out seclusion room.

7. Records Must Be Kept Of Each Occasion When Time-Out Seclusion Is Used. The Records Should Include -

7.1. The student's name;

7.2. The behavior for which time-out is being used, as specified in the IEP; and

7.3. The time of day the student was placed in and released from time-out.

8. When the use of time-out seclusion is included in a student's IEP, it is recommended that the use of time-out to address specific student behaviors be reviewed by a knowledgeable professional(s) twice monthly.

8.1. The use of the time-out seclusion procedure shall be altered or discontinued as a behavioral management technique if data do not support its effectiveness.

8.2. The continued and/or frequent need for this type of behavioral intervention could indicate that behavioral objectives, management techniques or other factors affecting the learning environment are not appropriately matched with the student's needs and behaviors.

9. If A Time-Out Room Is To Be Employed, The Time-Out Room Should -

9.1. Be at least 4' X 4' and no larger than 6' X 6' in size;

9.2. Be properly lighted (preferably recessed lighting, with switches outside the room). Lighting should remain on at all times;

9.3. Be properly ventilated;

9.4. Be free of objects and fixtures;

- 9.5. Provide the means by which an adult can continuously monitor, visually and auditorily, the student's behavior;
 - 9.6. The door should be such that it cannot be locked; and
 - 9.7. Meet state and county fire and safety codes.
10. In addition, it is necessary that all personnel involved in designing and implementing behavioral management procedures, including the use of timeout seclusion, be adequately trained and supervised. It is imperative that these persons have attained levels of skill and competency so that their qualifications correspond to their responsibilities.

Alternative placements

LAWS

6-48-101. Definitions.

As used in this chapter:

- (1) (A) (i) "Alternative learning environment" means an alternate class or school that affords all students an environment that seeks to eliminate barriers to learning for students whose academic and social progress are negatively affected by the student's personal characteristics or situation.
 - (ii) The Department of Education shall by rule more fully define the student's personal characteristics and situations applicable under this chapter.
- (B) An alternative learning environment is not a punitive environment but one that is conducive to learning; and
- (2) "Intervention services" means activities within or outside a school that will eliminate traditional barriers to learning.

6-48-102. Alternative learning environment required -- Reporting.

- (a) (1) A school district shall provide one (1) or more alternative learning environments for all students who meet the minimum criteria established by the Department of Education.
 - (2) A school district complies with this section if the school district provides an alternative learning environment by one (1) or more of the following methods:
 - (A) Establishes and operates an alternative learning environment;
 - (B) Cooperates with one (1) or more other school districts to establish and operate an alternative learning environment; or
 - (C) Uses an alternative learning environment operated by an education service cooperative established under The Education Service Cooperative Act of 1985, § 6-13-1001 et seq.
- (b) Annually, a school district shall submit to the department:
 - (1) Information on race and gender of the students educated in the alternative learning environment;
 - (2) Any other information regarding students educated in alternative learning environments that the department requires by rule; and
 - (3) An assurance statement that the school district is in compliance with this chapter.

6-48-103. Assessment and intervention services.

- (a) An alternative learning environment shall:
 - (1) Assess a student either before or upon entry into the alternative learning environment; and
 - (2) Provide intervention services designed to address a student's specific educational needs.

(b) (1) A student assigned to an alternative learning environment for behavioral reasons shall receive intervention services designed to address the student's behavioral needs.

(2) The intervention services shall not be punitive in nature but shall be designed for long-term improvement of the student's ability to control his or her behavior.

6-48-104. Department of Education responsibilities.

(a) The Department of Education shall promulgate rules to implement this chapter, including without limitation rules that establish:

(1) (A) The criteria for distributing state funding for alternative learning environment programs.

(B) The criteria shall identify the characteristics of students who may be counted for the purpose of funding an alternative learning environment program including without limitation that a student is educated in the alternative learning environment for a minimum of twenty (20) consecutive days.

(C) If a student is educated in the alternative learning environment for fewer than twenty (20) days, the department may provide funding to a school district based on the actual number of days the student is educated in the alternative learning environment if the student:

(i) Leaves the school district to transfer to another alternative learning environment; or

(ii) Is placed in a residential treatment program;

(2) (A) The criteria for teacher training for teachers in alternative learning environments, including without limitation:

(i) In-service training in classroom management; and

(ii) Training in additional areas related to the specific needs and characteristics of students who are educated in alternative learning environments.

(B) The department shall award professional development credit for the training under this subdivision (a)(2); and

(3) Measures of effectiveness for alternative learning environments that measure:

(A) For the students educated in the alternative learning environment the effect on the students':

(i) School performance;

(ii) Need for intervention; and

(iii) School attendance and dropout rate; and

(B) Any other characteristic of alternative learning environments deemed necessary by the department.

(b) (1) As part of the department's accreditation review of a school district under § 6-15-202, the department shall evaluate each alternative learning environment to ensure that the alternative learning environment is:

(A) Established and operated in compliance with this chapter; and

(B) Effective under the measurements established by the department under this section.

(2) The department shall identify a school district's noncompliance with this chapter on the school district's annual report card.

(c) The department shall identify information concerning best practices for educating students in alternative learning environments and disseminate that information to teachers and administrators working in alternative learning environments.

(d) Annually by September 15 the department shall provide to the House Interim Committee on Education and the Senate Interim Committee on Education a report on:

- (1) The information reported to it under § 6-48-102; and
- (2) The effectiveness of alternative learning environments evaluated under this chapter.

REGULATIONS

No relevant regulations found.

Disciplinary Approaches Addressing Specific Infractions and Conditions

Firearms (as required by the Gun-Free Schools Act)

LAWS

5-73-119. Handguns -- Possession by minor or possession on school property.

- (a) (1) No person in this state under eighteen (18) years of age shall possess a handgun.
- (2) (A) A violation of subdivision (a)(1) of this section is a Class A misdemeanor.
- (B) A violation of subdivision (a)(1) of this section is a Class D felony if the person has previously:
 - (i) Been adjudicated delinquent for a violation of subdivision (a)(1) of this section;
 - (ii) Been adjudicated delinquent for any offense that would be a felony if committed by an adult; or
 - (iii) Pleaded guilty or nolo contendere to or been found guilty of a felony in circuit court while under eighteen (18) years of age.
- (b) (1) No person in this state shall possess a firearm:
 - (A) Upon the developed property of a public or private school, K-12;
 - (B) In or upon any school bus; or
 - (C) At a designated bus stop as identified on the route list published by a school district each year.
- (2) (A) A violation of subdivision (b)(1) of this section is a Class D felony.
- (B) No sentence imposed for a violation of subdivision (b)(1) of this section shall be suspended or probated or treated as a first offense under § 16-93-301 et seq.
- (c) (1) No person in this state shall possess a handgun upon the property of any private institution of higher education or a publicly supported institution of higher education in this state on or about his or her person, in a vehicle occupied by him or her, or otherwise readily available for use with a purpose to employ the handgun as a weapon against a person.
- (2) A violation of subdivision (c)(1) of this section is a Class D felony.
- (d) "Handgun" means a firearm capable of firing rimfire ammunition or centerfire ammunition and designed or constructed to be fired with one (1) hand.
- (e) It is a defense to prosecution under this section that at the time of the act of possessing a handgun or firearm:
 - (1) The person is in his or her own dwelling or place of business or on property in which he or she has a possessory or proprietary interest, except upon the property of a public or private institution of higher learning;
 - (2) The person is a law enforcement officer, correctional officer, or member of the armed forces acting in the course and scope of his or her official duties;
 - (3) The person is assisting a law enforcement officer, correctional officer, or member of the armed forces acting in the course and scope of his or her official duties pursuant to the direction or request of the law enforcement officer, correctional officer, or member of the armed forces;
 - (4) The person is a licensed security guard acting in the course and scope of his or her duties;

- (5) The person is hunting game with a handgun or firearm that may be hunted with a handgun or firearm under the rules and regulations of the Arkansas State Game and Fish Commission or is en route to or from a hunting area for the purpose of hunting game with a handgun or firearm;
- (6) The person is a certified law enforcement officer;
- (7) The person is on a journey, unless the person is eighteen (18) years of age or less;
- (8) The person is participating in a certified hunting safety course sponsored by the commission or a firearm safety course recognized and approved by the commission or by a state or national nonprofit organization qualified and experienced in firearm safety;
- (9) The person is participating in a school-approved educational course or sporting activity involving the use of firearms; or
- (10) The person is a minor engaged in lawful marksmanship competition or practice or other lawful recreational shooting under the supervision of his or her parent, legal guardian, or other person twenty-one (21) years of age or older standing in loco parentis or is traveling to or from this activity with an unloaded handgun or firearm accompanied by his or her parent, legal guardian, or other person twenty-one (21) years of age or older standing in loco parentis.

6-18-502. Guidelines for development of school district student discipline policies.

- (a) The Department of Education shall establish guidelines for the development of school district student discipline policies.
- (c) The school discipline policies shall:
 - (2) (A) Prescribe expulsion from school for a period of not less than one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.
 - (B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;

6-18-507. Suspension -- Expulsion.

- (3) (A) The school administrators and the local school board of directors shall complete the expulsion process of any student that was initiated because the student possessed a firearm or other prohibited weapon on school property regardless of the enrollment status of the student.
- (B) The principal of each school shall report within a week to the department the name, current address, and social security number of any student who is expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence.

REGULATIONS

No relevant regulations found.

Other weapons

LAWS

6-18-512. Seizure of hand-held laser pointers.

Each school district shall adopt a policy providing for the seizure by school personnel of hand-held laser pointers in the possession of students.

REGULATIONS

No relevant regulations found.

Students with chronic disciplinary issues

LAWS

6-18-1001. Title.

This subchapter shall be known and may be cited as the "Public School Student Services Act".

6-18-1002. Purpose.

It is the intent of the General Assembly to articulate the functions served by each of the components of a program of student services. It is further the intent of the General Assembly that each school district develop and implement a plan for providing student services to all students in the public school system, including area vocational-technical schools. Such plan shall be implemented no later than the 1991-1992 school year. It is the intent of the General Assembly that student services coordinators be given time to fulfill their responsibilities under this subchapter.

6-18-1003. Rules and regulations.

The State Board of Education is authorized to adopt rules to carry out the intent of this legislation; such rules shall include, but need not be limited to:

- (1) A description of the student services program at all educational levels for which the school board of directors is responsible;
- (2) Criteria for the development by each school of a building-based student services plan which reflects input from parents, teachers, principals, students, and other agencies;
- (3) Identification of alternative student services personnel who do not meet traditional graduate school requirements and who may be used by the school board of directors in providing the recommended student services, including, but not limited to, paraprofessionals, teachers, parents, and representatives of business and industry; and
- (4) Establishment of minimum standards for all areas of student services personnel.

6-18-1004. School district plan.

(a) (1) Each school district shall develop and implement a plan that ensures that individual student services are coordinated in a manner utilizing such techniques as differentiated staffing so as to make maximum use of the contribution of each service.

(2) Only those trained and certified in the appropriate specialty or following a Department of Education's deficiency removal plan will be assigned to carry out the duties of each service.

(b) Each school district plan shall reflect the use of alternative methods of classroom management. Such methods may include, but are not limited to, the following:

- (1) Behavioral contracting;
- (2) Dispute resolution;
- (3) Classroom meetings;
- (4) Logical consequences;
- (5) Assertive discipline;
- (6) Behavior modification; and
- (7) Career and academic counseling.

(c) (1) Each school district plan shall provide for a district-level tracking system for school dropouts and for students who fail to reach proficiency on state-mandated assessments.

- (2) The tracking system shall include provisions for student services personnel in all schools to conduct exit interviews of students who are dropping out of school and for follow-up of such students when possible.
- (d) The superintendent of a school district not in substantial compliance with the terms of its plan may be requested to appear before the Senate Interim Committee on Education and the House Interim Committee on Education.

6-18-1005. Student services program defined.

- (a) "Student services program" means a coordinated effort, which shall include, but is not limited to:
- (1) Guidance and counseling services, which shall include, but are not limited to:
 - (A) The availability of individual and group counseling to all students;
 - (B) Orientation programs for new students at each level of education and for transferring students;
 - (C) Academic advisement for class selection by establishing academic goals in elementary, middle, and high school;
 - (D) Consultation with parents, faculty, and out-of-school agencies concerning student problems and needs;
 - (E) Utilization of student records and files;
 - (F) Interpretation of augmented, criterion-referenced, or norm-referenced assessments and dissemination of results to the school, students, parents, and community;
 - (G) The following up of early school dropouts and graduates;
 - (H) A school-initiated system of parental involvement;
 - (I) An organized system of informational resources on which to base educational and vocational decision making;
 - (J) Educational, academic assessment, and career counseling, including advising students on the national college assessments, workforce opportunities, and alternative programs that could provide successful high school completion and postsecondary opportunities for students;
 - (K) Coordinating administration of the Test for Adult Basic Education or the General Educational Development pretest to students by designating appropriate personnel, other than the school guidance counselor, to administer the tests;
 - (L) Classroom guidance, which shall be limited to forty-minute class sessions, not to exceed three (3) per day or ten (10) per week; and
 - (M) Guidance in understanding the relationship between classroom performance and success in school;
 - (2) Psychological services, which shall include, but are not limited to, the following:
 - (A) Evaluation of students with learning or adjustment problems;
 - (B) Evaluation of students in exceptional child education programs;
 - (C) Consultation and counseling with parents, students, and school personnel to ensure that all students are ready to succeed and that all students are preparing for college and work;
 - (D) A system for the early identification of learning potential and factors that affect the child's educational performance;
 - (E) A system of liaison and referrals, with resources available outside the school; and
 - (F) Written policies that assure ethical procedures in psychological activities;

(3) Visiting teacher and school social work services, which shall include, but are not limited to, the following:

(A) Providing casework to assist in the prevention and remediation of problems of attendance, behavior, adjustment, and learning; and

(B) Serving as liaison between the home and school by making home visits and referring students and parents to appropriate school and community agencies for assistance;

(4) Career services, which shall include, but are not limited to, the dissemination of career education information, appropriate course-taking patterns, and the effect of taking more rigorous courses so that students are better prepared for college and work success;

(5) Group conflict resolution services, which shall include, but are not limited to, the following:

(A) Educational and social programs that help students develop skills enabling them to resolve differences and conflicts between groups;

(B) Programs designed to promote understanding, positive communication, and greater utilization of a race relations specialist or human relations specialist to assist in the development of intergroup skills; and

(C) Programs designed to prevent bullying;

(6) Health services, which shall include, but are not limited to, the following:

(A) Students with special health care needs, including the chronically ill, medically fragile, and technology-dependent, and students with other health impairments shall have individualized health care plans;

(B) (i) Invasive medical procedures required by students and provided at the school shall be performed by trained, licensed personnel who are licensed to perform the task subject to § 17-87-102(6)(D) or other professional licensure statutes, unless permitted under § 17-87-103(10) and (11).

(ii) The regular classroom teacher shall not perform these tasks, except that public school employees may volunteer to be trained and administer glucagon to a student with type 1 diabetes in an emergency situation permitted under § 17-87-103(11); and

(C) Custodial health care services required by students under individualized health care plans shall be provided by trained school employees other than the regular classroom teachers; and

(7) The distribution of a suicide prevention public awareness program developed for distribution by the Arkansas Youth Suicide Prevention Task Force.

(b) School counselors shall spend at least seventy-five percent (75%) of work time each month during the school year providing direct counseling related to students and shall devote no more than twenty-five percent (25%) of work time each month during the school year to administrative activities provided that the activities relate to the provision of guidance services.

6-18-1006. Occupational and placement specialist.

(a) The occupational and placement specialist shall serve as liaison between employers and the school.

(b) It is the responsibility of the district placement to make written board recommendations to the superintendent for consideration by the district school board of directors concerning areas of curriculum deficiency having an adverse effect on the employability of job candidates or progress in subsequent education experiences.

(c) Furthermore, district administrative personnel shall report to the school board of directors concerning adjustments in program outcomes, curricula, and delivery of instruction as they are made with the use of placement and follow-up information.

(d) The follow-up studies conducted by occupational and placement services shall be on a statistically valid random-sampling basis when appropriate and shall be stratified to reflect the appropriate vocational programs of students graduating from or leaving the public school system.

6-18-1007. School student services status report.

(a) By January 1, 1994, and each year thereafter, the Department of Education shall compile and present to the Governor, the State Board of Education, the Senate Interim Committee on Education, and the House Interim Committee on Education a report outlining monitoring findings and the status of implementing each of the provisions of this subchapter by the various school districts, including which districts are in substantial compliance with the plan required under this subchapter.

(b) (1) (A) By January 1, 1998, the department shall have in place a staffing structure which assures that the department's administration and field service staff are responsible for monitoring the department and local school district implementation and compliance with the provisions of this subchapter.

(B) The department shall employ one (1) or more persons who shall have a minimum qualification of certification as a school counselor.

(2) Each school district shall be responsible for submitting an annual report to the Assistant Director for School Improvement and Instructional Support of the Department of Education outlining its compliance with and implementation of plans for the provisions of this section.

(3) (A) The Commissioner of Education, in consultation with the appropriate assistant director, shall designate an individual or individuals who shall have a minimum qualification of certification as a school counselor to be responsible for coordinating the monitoring of compliance with this section.

(B) The monitoring shall include interviews with administrators, counselors, students, and teachers.

6-48-101. Definitions.

As used in this chapter:

(1) (A) (i) "Alternative learning environment" means an alternate class or school that affords all students an environment that seeks to eliminate barriers to learning for students whose academic and social progress are negatively affected by the student's personal characteristics or situation.

(ii) The Department of Education shall by rule more fully define the student's personal characteristics and situations applicable under this chapter.

(B) An alternative learning environment is not a punitive environment but one that is conducive to learning; and

(2) "Intervention services" means activities within or outside a school that will eliminate traditional barriers to learning.

6-48-102. Alternative learning environment required -- Reporting.

(a) (1) A school district shall provide one (1) or more alternative learning environments for all students who meet the minimum criteria established by the Department of Education.

(2) A school district complies with this section if the school district provides an alternative learning environment by one (1) or more of the following methods:

(A) Establishes and operates an alternative learning environment;

(B) Cooperates with one (1) or more other school districts to establish and operate an alternative learning environment; or

(C) Uses an alternative learning environment operated by an education service cooperative established under The Education Service Cooperative Act of 1985, § 6-13-1001 et seq.

(b) Annually, a school district shall submit to the department:

- (1) Information on race and gender of the students educated in the alternative learning environment;
- (2) Any other information regarding students educated in alternative learning environments that the department requires by rule; and
- (3) An assurance statement that the school district is in compliance with this chapter.

6-48-103. Assessment and intervention services.

- (a) An alternative learning environment shall:
 - (1) Assess a student either before or upon entry into the alternative learning environment; and
 - (2) Provide intervention services designed to address a student's specific educational needs.
- (b) (1) A student assigned to an alternative learning environment for behavioral reasons shall receive intervention services designed to address the student's behavioral needs.
- (2) The intervention services shall not be punitive in nature but shall be designed for long-term improvement of the student's ability to control his or her behavior.

6-48-104. Department of Education responsibilities.

- (a) The Department of Education shall promulgate rules to implement this chapter, including without limitation rules that establish:
 - (1) (A) The criteria for distributing state funding for alternative learning environment programs.
 - (B) The criteria shall identify the characteristics of students who may be counted for the purpose of funding an alternative learning environment program including without limitation that a student is educated in the alternative learning environment for a minimum of twenty (20) consecutive days.
 - (C) If a student is educated in the alternative learning environment for fewer than twenty (20) days, the department may provide funding to a school district based on the actual number of days the student is educated in the alternative learning environment if the student:
 - (i) Leaves the school district to transfer to another alternative learning environment; or
 - (ii) Is placed in a residential treatment program;
 - (2) (A) The criteria for teacher training for teachers in alternative learning environments, including without limitation:
 - (i) In-service training in classroom management; and
 - (ii) Training in additional areas related to the specific needs and characteristics of students who are educated in alternative learning environments.
 - (B) The department shall award professional development credit for the training under this subdivision (a)(2); and
 - (3) Measures of effectiveness for alternative learning environments that measure:
 - (A) For the students educated in the alternative learning environment the effect on the students':
 - (i) School performance;
 - (ii) Need for intervention; and
 - (iii) School attendance and dropout rate; and
 - (B) Any other characteristic of alternative learning environments deemed necessary by the department.
- (b) (1) As part of the department's accreditation review of a school district under § 6-15-202, the department shall evaluate each alternative learning environment to ensure that the alternative learning environment is:

- (A) Established and operated in compliance with this chapter; and
- (B) Effective under the measurements established by the department under this section.
- (2) The department shall identify a school district's noncompliance with this chapter on the school district's annual report card.
- (c) The department shall identify information concerning best practices for educating students in alternative learning environments and disseminate that information to teachers and administrators working in alternative learning environments.
- (d) Annually by September 15 the department shall provide to the House Interim Committee on Education and the Senate Interim Committee on Education a report on:
 - (1) The information reported to it under § 6-48-102; and
 - (2) The effectiveness of alternative learning environments evaluated under this chapter.

REGULATIONS

No relevant regulations found.

Attendance and truancy

LAWS

6-4-301. Title.

This subchapter is known and may be cited as the "Interstate Compact on Educational Opportunity for Military Children".

6-4-302. Adoption of compact.

The Interstate Compact on Educational Opportunity for Military Children is enacted into law and entered into with all other jurisdictions legally joining in this compact in the form substantially as follows:

Interstate Compact on Educational Opportunity for Military Children

ARTICLE I PURPOSE

It is the purpose of this compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

- A. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school district(s) or variations in entrance/age requirements.
- B. Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content or assessment.
- C. Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities.
- D. Facilitating the on-time graduation of children of military families.
- E. Providing for the adoption and enforcement of administrative rules implementing the provisions of this compact.
- F. Providing for the uniform collection and sharing of information between and among member states, schools and military families under this compact.
- G. Promoting coordination between this compact and other compacts affecting military children.

H. Promoting flexibility and cooperation between the educational system, parents and the student in order to achieve educational success for the student.

ARTICLE II DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

A. "Active duty" means: full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211.

B. "Children of military families" means: a school-aged child(ren), enrolled in Kindergarten through Twelfth (12[th]) grade, in the household of an active duty member.

C. "Compact commissioner" means: the voting representative of each compacting state appointed pursuant to Article VIII of this compact.

D. "Deployment" means: the period one (1) month prior to the service members' departure from their home station on military orders through six (6) months after return to their home station.

E. "Education(al) records" means: those official records, files, and data directly related to a student and maintained by the school or local education agency, including but not limited to records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

F. "Extracurricular activities" means: a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

G. "Interstate Commission on Educational Opportunity for Military Children" means: the commission that is created under Article IX of this compact, which is generally referred to as Interstate Commission.

H. "Local education agency" means: a public authority legally constituted by the state as an administrative agency to provide control of and direction for Kindergarten through Twelfth (12[th]) grade public educational institutions.

I. "Member state" means: a state that has enacted this compact.

J. "Military installation" means: a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S. Territory. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

K. "Non-member state" means: a state that has not enacted this compact.

L. "Receiving state" means: the state to which a child of a military family is sent, brought, or caused to be sent or brought.

M. "Rule" means: a written statement by the Interstate Commission promulgated pursuant to Article XII of this compact that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of rules promulgated under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., or any successor law, and includes the amendment, repeal, or suspension of an existing rule.

N. "Sending state" means: the state from which a child of a military family is sent, brought, or caused to be sent or brought.

O. "State" means: a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S. Territory.

P. "Student" means: the child of a military family for whom the local education agency receives public funding and who is formally enrolled in Kindergarten through Twelfth (12th) grade.

Q. "Transition" means: 1) the formal and physical process of transferring from school to school or 2) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

R. "Uniformed service(s)" means: the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.

S. "Veteran" means: a person who served in the uniformed services and who was discharged or released there from under conditions other than dishonorable.

ARTICLE III APPLICABILITY

A. Except as otherwise provided in Section B, this compact shall apply to the children of:

1. active duty members of the uniformed services as defined in this compact, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211;
2. members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one (1) year after medical discharge or retirement; and
3. members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one (1) year after death.

B. The provisions of this interstate compact shall only apply to local education agencies as defined in this compact.

C. The provisions of this compact shall not apply to the children of:

1. inactive members of the national guard and military reserves;
2. members of the uniformed services now retired, except as provided in Section A;
3. veterans of the uniformed services, except as provided in Section A; and
4. other U.S. Dept. of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

ARTICLE IV EDUCATIONAL RECORDS & ENROLLMENT

A. Unofficial or "hand-carried" education records -- In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible to the extent feasible.

B. Official education records/transcripts -- Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within ten (10) days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

C. Immunizations -- Compacting states shall give thirty (30) days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the Interstate Commission, for

students to obtain any immunization(s) required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within thirty (30) days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

D. Kindergarten and First grade entrance age -- Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level (including Kindergarten) from a local education agency in the sending state at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from an accredited school in the sending state.

ARTICLE V PLACEMENT & ATTENDANCE

A. Course placement -- When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state if the courses are offered and there is space available, as determined by the school district. Course placement includes but is not limited to Honors, International Baccalaureate, Advanced Placement, vocational, technical and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s).

B. Educational program placement -- The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation/placement in like programs in the sending state provided that the program exists in the school and there is space available, as determined by the school district. Such programs include, but are not limited to: 1) gifted and talented programs; and 2) English as a second language (ESL). This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

C. Special education services.

- 1) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. Section 1400 et seq, the receiving state shall initially provide comparable services to a student with disabilities based on his/her current Individualized Education Program (IEP); and
- 2) In compliance with the requirements of Section 504 of the Rehabilitation Act, 29 U.S.C.A. Section 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C.A. Sections 12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

D. Placement flexibility -- Local education agency administrative officials shall have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered under the jurisdiction of the local education agency.

E. Absence as related to deployment activities -- A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by the compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian.

ARTICLE VI ELIGIBILITY

A. Eligibility for enrollment

1. Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.
2. A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.
3. A transitioning military child, placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he/she was enrolled while residing with the custodial parent.

B. Eligibility for extracurricular participation -- State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

ARTICLE VII GRADUATION

In order to facilitate the on-time graduation of children of military families states and local education agencies shall incorporate the following procedures:

A. Waiver requirements -- Local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

B. Exit exams -- States shall accept: 1) Exit or end-of-course exams required for graduation from the sending state; or 2) National norm-referenced achievement tests; or 3) Alternative testing, in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in his or her Senior year, then the provisions of Article VII, Section C shall apply.

C. Transfers during Senior year -- Should a military student transferring at the beginning or during his or her Senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with Sections A and B of this Article.

ARTICLE VIII STATE COORDINATION

A. Each member state shall, through the creation of a State Council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies and military installations concerning the state's participation in, and compliance with, this compact and Interstate Commission activities. While each member state may determine the membership of its own State Council, its membership must include at least: the state superintendent of education or his or her designee, superintendent of a school district with a high concentration of military children, representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder groups the State Council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the State Council.

B. The State Council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

C. The compact commissioner responsible for the administration and management of the state's participation in the compact shall be appointed by the Governor or as otherwise determined by each member state.

D. The compact commissioner and the military family education liaison designated herein shall be ex-officio members of the State Council, unless either is already a full voting member of the State Council.

ARTICLE IX INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

The member states hereby create the "Interstate Commission on Educational Opportunity for Military Children." The activities of the Interstate Commission are the formation of public policy and are a discretionary state function. The Interstate Commission shall:

A. Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact.

B. Consist of one Interstate Commission voting representative from each member state who shall be that state's compact commissioner.

1. Each member state represented at a meeting of the Interstate Commission is entitled to one vote.

2. A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

3. A representative shall not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the Interstate Commission, the Governor or State Council may delegate voting authority to another person from their state for a specified meeting.

4. The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication.

C. Consist of ex-officio, non-voting representatives who are members of interested organizations. Such ex-officio members, as defined in the bylaws, may include but not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the U.S. Department of Defense, the Education Commission of the States, the Interstate Agreement on the Qualification of Educational Personnel and other interstate compacts affecting the education of children of military members.

D. Meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings.

E. Establish an executive committee, whose members shall include the officers of the Interstate Commission and such other members of the Interstate Commission as determined by the bylaws. Members of the executive committee shall serve a one year term. Members of the executive committee shall be entitled to one vote each. The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as deemed necessary. The U.S. Dept. of Defense, shall serve as an ex-officio, nonvoting member of the executive committee.

F. Establish bylaws and rules that provide for conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or

copying. The Interstate Commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

G. Public notice shall be given by the Interstate Commission of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The Interstate Commission and its committees may close a meeting, or portion thereof, where it determines by two-thirds vote that an open meeting would be likely to:

1. Relate solely to the Interstate Commission's internal personnel practices and procedures;
2. Disclose matters specifically exempted from disclosure by federal and state statute;
3. Disclose trade secrets or commercial or financial information that is privileged or confidential;
4. Involve accusing a person of a crime, or formally censuring a person;
5. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
6. Disclose investigative records compiled for law enforcement purposes; or
7. Specifically relate to the Interstate Commission's participation in a civil action or other legal proceeding.

H. For a meeting, or portion of a meeting, closed pursuant to this provision, the Interstate Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exemptible provision. The Interstate Commission shall keep minutes that shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Interstate Commission.

I. The Interstate Commission shall collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules that shall specify the data to be collected, the means of collection and data exchange and reporting requirements. Such methods of data collection, exchange and reporting shall, in so far as is reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules.

J. The Interstate Commission shall create a process that permits military officials, education officials and parents to inform the Interstate Commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency. This section shall not be construed to create a private right of action against the Interstate Commission or any member state.

ARTICLE X POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall have the following powers:

- A. To provide for dispute resolution among member states.
- B. To promulgate rules and take all necessary actions to effect the goals, purposes and obligations as enumerated in this compact. The rules shall have the force and effect of rules promulgated under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., or any successor law, and shall be binding in the compact states to the extent and in the manner provided in this compact.
- C. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules and actions.

- D. To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process.
- E. To establish and maintain offices that shall be located within one or more of the member states.
- F. To purchase and maintain insurance and bonds.
- G. To borrow, accept, hire or contract for services of personnel.
- H. To establish and appoint committees including, but not limited to, an executive committee as required by Article IX, Section E, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.
- I. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel.
- J. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it.
- K. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed.
- L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed.
- M. To establish a budget and make expenditures.
- N. To adopt a seal and bylaws governing the management and operation of the Interstate Commission.
- O. To report annually to the legislatures, governors, judiciary, and state councils of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.
- P. To coordinate education, training and public awareness regarding the compact, its implementation and operation for officials and parents involved in such activity.
- Q. To establish uniform standards for the reporting, collecting and exchanging of data.
- R. To maintain corporate books and records in accordance with the bylaws.
- S. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.
- T. To provide for the uniform collection and sharing of information between and among member states, schools and military families under this compact.

ARTICLE XI ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

A. The Interstate Commission shall, by a majority of the members present and voting, within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

1. Establishing the fiscal year of the Interstate Commission;
2. Establishing an executive committee, and such other committees as may be necessary;
3. Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the Interstate Commission;
4. Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;
5. Establishing the titles and responsibilities of the officers and staff of the Interstate Commission;

6. Providing a mechanism for concluding the operations of the Interstate Commission and the return of surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations.

7. Providing "start up" rules for initial administration of the compact.

B. The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the Interstate Commission.

C. Executive Committee, Officers and Personnel

1. The executive committee shall have such authority and duties as may be set forth in the bylaws, including but not limited to:

a. Managing the affairs of the Interstate Commission in a manner consistent with the bylaws and purposes of the Interstate Commission;

b. Overseeing an organizational structure within, and appropriate procedures for the Interstate Commission to provide for the creation of rules, operating procedures, and administrative and technical support functions; and

c. Planning, implementing, and coordinating communications and activities with other state, federal and local government organizations in order to advance the goals of the Interstate Commission.

2. The executive committee may, subject to the approval of the Interstate Commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation, as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, but shall not be a Member of the Interstate Commission. The executive director shall hire and supervise such other persons as may be authorized by the Interstate Commission.

D. The Interstate Commission's executive director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of Interstate Commission employment, duties, or responsibilities; provided, that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

1. The liability of the Interstate Commission's executive director and employees or Interstate Commission representatives, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

2. The Interstate Commission shall defend the executive director and its employees and, subject to the approval of the Attorney General or other appropriate legal counsel of the member state represented by an Interstate Commission representative, shall defend such Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the

defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

3. To the extent not covered by the state involved, member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE XII RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

A. Rulemaking Authority -- The Interstate Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this Compact. Notwithstanding the foregoing, in the event the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this Act, or the powers granted hereunder, then such an action by the Interstate Commission shall be invalid and have no force or effect.

B. Rulemaking Procedure -- Rules shall be made pursuant to a rulemaking process that substantially conforms to the "Model State Administrative Procedure Act," of 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to the operations of the Interstate Commission.

C. Not later than thirty (30) days after a rule is promulgated, any person may file a petition for judicial review of the rule; provided, that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the Interstate Commission's authority.

D. If a majority of the legislatures of the compacting states rejects a Rule by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state.

ARTICLE XIII OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

A. Oversight

1. The executive, legislative and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact that may affect the powers, responsibilities or actions of the Interstate Commission.

3. The Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, this compact or promulgated rules.

B. Default, Technical Assistance, Suspension and Termination -- If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the Interstate Commission shall:

1. Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default.
2. Provide remedial training and specific technical assistance regarding the default.
3. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.
4. Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Interstate Commission to the Governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.
5. The state that has been suspended or terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of suspension or termination including obligations, the performance of which extends beyond the effective date of suspension or termination.
6. The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or that has been suspended or terminated from the compact, unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.
7. The defaulting state may appeal the action of the Interstate Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

C. Dispute Resolution

1. The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes that are subject to the compact and that may arise among member states and between member and non-member states.
2. The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

ARTICLE XIV FINANCING OF THE INTERSTATE COMMISSION

- A. The Interstate Commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.
- B. The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff that must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.
- C. The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the member states, except by and with the authority of the member state.
- D. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

ARTICLE XV MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

A. Any state is eligible to become a member state.

B. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than ten (10) of the states. The effective date shall be no earlier than December 1, 2007.

Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of non-member states or their designees shall be invited to participate in the activities of the Interstate Commission on a non-voting basis prior to adoption of the compact by all states.

C. The Interstate Commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

ARTICLE XVI WITHDRAWAL AND DISSOLUTION

A. Withdrawal

1. Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact specifically repealing the statute, which enacted the compact into law.

2. Withdrawal from this compact shall be by the enactment of a statute repealing the same, and shall take effect upon the effective date of the repealing statute.

3. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty (60) days of its receipt thereof.

4. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of the repealing statute.

5. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission.

B. Dissolution of Compact

1. This compact shall dissolve effective upon the date of the withdrawal or default of the member state that reduces the membership in the compact to one (1) member state.

2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XVII SEVERABILITY AND CONSTRUCTION

A. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

B. The provisions of this compact shall be liberally construed to effectuate its purposes.

C. Nothing in this compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

ARTICLE XVIII BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Other Laws

Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact.

B. Binding Effect of the Compact

1. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.
2. All agreements between the Interstate Commission and the member states are binding in accordance with their terms.
3. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

6-4-303. Compact Commissioner for Arkansas.

- (a) Under the compact established under this subchapter, the Compact Commissioner for Arkansas shall be the Commissioner of Education or his or her designee.
- (b) The Compact Commissioner for Arkansas is responsible for the administration and management of the state participation in the Interstate Compact on Educational Opportunity for Military Children adopted under this subchapter.
- (c) The Compact Commissioner for Arkansas shall cooperate with all departments, agencies, and officers of and in government of this state as well as all school districts and political subdivisions of this state for the administration of this compact or supplementary agreements entered into by the state.

6-4-304. Creation of the State Council.

- (a) There is created the State Council for the Interstate Compact on Educational Opportunity for Military Children to be composed of the following members:
 - (1) The Commissioner of Education or his or her designee, serving as Compact Commissioner for Arkansas as provided under § 6-4-303;
 - (2) The superintendent of the school district with the greatest number of military children from a military installation;
 - (3) One (1) member to be appointed by the President Pro Tempore of the Senate from a list of three (3) nominees submitted by the Executive Director of the Arkansas Education Association;
 - (4) One (1) member to be appointed by the Speaker of the House of Representatives from a list of three (3) nominees submitted by the Executive Director of the Arkansas Association of Educational Administrators;
 - (5) One (1) member appointed by the Governor from a list of three (3) nominees submitted by the Arkansas School Boards Association;
 - (6) The charter school leader of the open-enrollment public charter school with the greatest number of military children from a military installation; and
 - (7) A representative from a military installation in Arkansas who will serve as a nonvoting, ex officio member.
- (b)
 - (1) Each appointed member shall have a background or interest in the education of military children.
 - (2)
 - (A) The terms for the initial appointees to the council shall be staggered as determined by lot with:
 - (i) One (1) member serving a term of three (3) years;
 - (ii) One (1) member serving a term of four (4) years; and
 - (iii) One (1) member serving a term of five (5) years.
 - (B) Each succeeding appointment to the council shall be for a term of five (5) years, but the member appointed shall serve until the member's successor is appointed.
 - (3)
 - (A) If a vacancy occurs in an appointed position for any reason, the vacancy shall be filled by appointment by the official that made the appointment.

- (B) The new appointee shall serve for the remainder of the unexpired term.
- (c) (1) The council shall meet at least quarterly or as decided upon by a majority of its members.
- (2) The council shall conduct its meetings in Pulaski County or via teleconference or web conference as technology becomes available and as desired to allow for scheduling flexibility for its members.
- (d) (1) A majority of the members of the council shall constitute a quorum for transacting business of the council.
- (2) All actions of the council shall be by a quorum.
- (e) The Commissioner of Education or his or her designee serving as Compact Commissioner for Arkansas shall be the chair of the council and be a full-voting member.
- (f) Appointments to the council shall be for a term of four (4) years.
- (g) All state agencies, school districts, and political subdivisions of the state shall furnish to the council any information and assistance the council may reasonably request.

6-4-305. Duties of the State Council.

- (a) Within thirty (30) days from the date the appointments are initially made, the members of the State Council for the Interstate Compact on Educational Opportunity for Military Children shall appoint a military family education liaison to assist military families and the state in facilitating the implementation of the Interstate Compact on Educational Opportunity for Military Children adopted under this subchapter.
- (b) The council may promulgate rules for the administration of this subchapter.

6-4-306. Military family education liaison.

- (a) The military family education liaison shall be an ex officio member of the State Council for the Interstate Compact on Educational Opportunity for Military Children.
- (b) The military family education liaison shall have specialized knowledge related to the educational needs of military children and the obstacles that military children face in obtaining an education.
- (c) The military family education liaison shall serve a term of four (4) years.

6-4-307. Fees.

Under the compact established under this subchapter and using the definitions in the compact:

- (1) The minimum fee for a member state is two thousand dollars (\$2,000);
- (2) The maximum fee for each member state is two dollars (\$2.00) per student who is a child of an active duty military family; and
- (3) The fees paid or owed shall not exceed the amount appropriated for the payment of fees under this compact for each fiscal year by the General Assembly.

6-4-308. Immunity not affected.

- (a) This subchapter shall not affect the immunity from suit granted to state officials and employees under § 19-10-305 or to the state and its official agencies under Arkansas Constitution, Article 5, § 20.
- (b) The exercise of the powers and performance of duties provided for in this subchapter by the Compact Commissioner for Arkansas, the State Council for Arkansas, and the military family education liaison for Arkansas and its officers, agents, and employees are declared to be public and governmental functions, exercised for a public purpose and matters of public necessity, conferring upon each authority governmental immunity from suit in tort.

6-18-209. Adoption of student attendance policies -- Effect of unexcused absences.

- (a) The board of directors of each school district in this state shall adopt student attendance policies.

(b) Each school district, as a part of its six-year educational plan, shall develop strategies for promoting maximum student attendance, including, but not limited to, the use of alternative classrooms and in-school suspensions in lieu of suspension from school.

(c) A student attendance policy may include unexcused absences as a mandatory basis for denial of promotion or graduation.

6-18-211. Mandatory attendance for students in grades nine through twelve.

(a) Beginning with the 2004-2005 school year, students in grades nine through twelve (9-12) shall be required to schedule and attend a full school day.

(b) (1) No later than January 30, 2004, the State Board of Education shall promulgate regulations that require students in grades nine through twelve (9-12) to enroll in no less than three hundred fifty (350) minutes of planned instructional time each day as a requirement for graduation.

(2) (A) The regulations shall allow local school boards of directors to develop policies to allow:

(i) Students to be assigned to no more than one (1) class period each day for a study hall period that the student shall be required to attend and participate in for a full class period of self-study or organized tutoring in the school building; and

(ii) (a) No more than one (1) class period each day for organized and scheduled student extracurricular classes to be included as planned instructional time.

(b) If the extracurricular class is related to a seasonal activity, the class must continue to meet after the season ends to be counted toward the requirement of planned instructional time.

(B) The regulations shall allow local school boards of directors to develop policies for granting waivers to students who would experience proven financial hardships if required to attend a full school day.

(c) Enrollment and attendance in vocational-educational training courses, college courses, school work programs, and other Department of Education-sanctioned educational programs may be used to satisfy the requirements of this section even if the programs are not located at the public schools.

(d) Nothing in this section and § 6-18-210:

(1) Precludes a student who has met all graduation requirements from graduating early; or

(2) Requires a student who has graduated early from high school to continue to attend school.

6-18-220. Additional absences granted for participation in FFA, FHA, and 4-H programs -- Equal treatment.

(a) The General Assembly finds and declares that:

(1) The FFA, FHA, and 4-H programs in the state involve an education and learning process that is not otherwise available in the regular curriculum of secondary education in Arkansas;

(2) The principles and practices learned by school students in the FFA, FHA, and 4-H programs are highly beneficial to students;

(3) Participation in such programs should be encouraged; and

(4) One method of encouraging participation in such programs is to grant additional excused absences to students who participate in officially sanctioned activities of those organizations.

(b) Therefore, it is the purpose and intent of this section to assure that class absences of students who are participating in sanctioned FFA, FHA, and 4-H activities are excused to such extent as may be determined by the boards of directors of the respective districts, with the participants in the three (3) programs being treated equally with respect to such absences.

(c) Any school district that grants additional excused absences of FFA member students who attend officially sanctioned FFA activities shall afford equal treatment to FFA and 4-H member students who attend the same or similar officially sanctioned activities.

6-18-221. Cooperation of law enforcement agencies.

(a) Any public school district may enter into a cooperative agreement with local law enforcement officials to implement within the district an "Operation Stay in School Program".

(b) Upon the request of the board of directors of the school district, the law enforcement agency shall stipulate, with the administration of the school district, specific days and hours when law enforcement officers will attempt to locate school-age students in the community who are off school premises during school hours without valid documentation excusing their absence.

(c) Any certified law enforcement officer may stop and detain any unsupervised school-age student located off school premises during school hours and request the production of documentation excusing the student's absence from school.

(d) Upon the student's failure to produce sufficient documentation, the law enforcement officer may take the student into custody and return the student to his or her school, transport the student to his or her parent, or transport the student to the truancy reception center, which shall not be a jail, juvenile detention center, or police department, and which has been designated by the school district.

(e) (1) Any school district adopting this program shall include in its attendance policy a notice to parents and students that it has entered into a cooperative agreement with law enforcement officials to implement an Operation Stay in School Program, and unsupervised students found off school premises during school hours shall be subject to questioning by a law enforcement officer under the program.

(2) Any school district adopting this program shall include provisions for furnishing valid documentation for a student in work-study programs or other authorized absences from school premises in order to assist law enforcement officers in determining the validity of documentation excusing the student's absence from school during school hours.

6-18-222. Penalty for unexcused absences -- Revocation of driving privilege.

(a) (1) (A) (i) The board of directors of each school district in this state shall adopt a student attendance policy, as provided for in § 6-18-209, which shall include a certain number of unexcused absences that may be used as a basis for denial of course credit, promotion, or graduation.

(ii) However, unexcused absences shall not be a basis for expulsion or dismissal of a student.

(B) The legislative intent is that a student having unexcused absences because of illness, accident, or other unavoidable reasons should be given assistance in obtaining credit for the courses.

(2) The State Board of Career Education shall adopt a student attendance policy for sixteen-year-olds and seventeen-year-olds enrolled in an adult education program. The policy shall require a minimum attendance of ten (10) hours per week to remain in the program.

(3) A copy of the school district's student attendance policy or the State Board of Career Education's student attendance policy for sixteen-year-olds and seventeen-year-olds enrolled in adult education shall be provided to the parent, guardian, or person in loco parentis of each student enrolled in an adult education program at the beginning of the school year or upon enrollment, whichever event first occurs.

(4) (A) (i) A student's parent, guardian, or person in loco parentis and the community truancy board, if the community truancy board has been created, shall be notified when the student has accumulated unexcused absences equal to one-half (1/2) the total number of absences permitted per semester under the school district's or the State Board of Career Education's student attendance policy.

- (ii) Notice shall be by telephonic contact with the student's parent, guardian, or person in loco parentis by the end of the school day in which the absence occurred or by regular mail with a return address on the envelope sent no later than the following school day.
 - (iii) Notice to the community truancy board, if the community truancy board has been created, shall be by letter to the chair of the community truancy board.
- (B) If a community truancy board has been created, the community truancy board shall schedule a conference with the parent, guardian, or person in loco parentis to establish a plan to take steps to eliminate or reduce the student's absences.
- (C) If the community truancy board has scheduled a conference and the student's parent, guardian, or person in loco parentis does not attend the conference, the conference may be conducted with the student and a school official. However, the parent, guardian, or person in loco parentis shall be notified of the steps to be taken to eliminate or reduce the student's absences.
- (D) (i) Before a student accumulates the maximum number of unexcused absences allowed in a school district's student attendance policy, the student or the student's parent, guardian, or person in loco parentis may petition the school administration or school district administration for special arrangements to address the student's unexcused absences.
- (ii) If special arrangements are granted by the school administration or the school district administration, the arrangements will be formalized into a written agreement to include the conditions of the agreement and the consequences for failing to fulfill the requirements of the agreement.
- (iii) The agreement shall be signed by the:
- (a) Designee of the school administration or of the school district administration;
 - (b) Student's parent, guardian, or person in loco parentis; and
 - (c) Student.
- (5) (A) When a student exceeds the number of unexcused absences provided for in the district's or the State Board of Career Education's student attendance policy, or when a student has violated the conditions of an agreement granting special arrangements under subdivision (a)(4)(D) of this section, the school district or the adult education program shall notify the prosecuting authority and the community truancy board, if a community truancy board has been created, and the student's parent, guardian, or person in loco parentis shall be subject to a civil penalty through a family in need of services action in circuit court, as authorized under subdivision (a)(6)(A) of this section, but not to exceed five hundred dollars (\$500) plus costs of court and any reasonable fees assessed by the court.
- (B) The penalty shall be forwarded by the court to the school or the adult education program attended by the student.
- (6) (A) (i) Upon notification by the school district or the adult education program to the prosecuting authority, the prosecuting authority shall file in circuit court a family in need of services petition pursuant to § 9-27-310 or enter into a diversion agreement with the student pursuant to § 9-27-323.
- (ii) For any action filed in circuit court to impose the civil penalty set forth in subdivision (a)(5) of this section, the prosecuting authority shall be exempt from all filing fees and shall take whatever action is necessary to collect the penalty provided for in subdivision (a)(5) of this section.
- (B) Municipal attorneys may practice in circuit court for the limited purpose of filing petitions or entering into diversion agreements as authorized by this subdivision (a)(6)(B) if agreed upon by all of the parties pursuant to subdivision (a)(6)(A) of this section.

- (7) (A) The purpose of the penalty set forth in this subsection is to impress upon the parents, guardians, or persons in loco parentis the importance of school or adult education attendance, and the penalty is not to be used primarily as a source of revenue.
- (B) (i) When assessing penalties, the court shall be aware of any available programs designed to improve the parent-child relationship or parenting skills.
- (ii) When practicable and appropriate, the court may utilize mandatory attendance at the programs as well as community service requirements in lieu of monetary penalties.
- (8) As used in this section, "prosecuting authority" means:
- (A) The elected district prosecuting attorney or his or her appointed deputy for schools located in unincorporated areas of the county or within cities not having a police or district court; and
- (B) The prosecuting attorney of the city for schools located within the city limits of cities having either a police court or a district court in which a city prosecutor represents the city for violations of city ordinances or traffic violations.
- (9) In any instance in which it is found that the school district, the adult education program, or the prosecuting authority is not complying with the provisions of this section, the State Board of Education may petition the circuit court to issue a writ of mandamus.
- (b) (1) (A) Each public, private, or parochial school shall notify the Department of Finance and Administration whenever a student fourteen (14) years of age or older is no longer in school.
- (B) Each adult education program shall notify the department whenever a student sixteen (16) or seventeen (17) years of age has left the program without receiving a high school equivalency certificate.
- (2) (A) Upon receipt of notification, the department shall notify the licensee by certified mail, return receipt requested, that his or her motor vehicle operator's license will be suspended unless a hearing is requested in writing within thirty (30) days from the date of notice.
- (B) The licensee shall be entitled to retain or regain his or her license by providing the department with adequate evidence that:
- (i) The licensee is eighteen (18) years of age;
- (ii) The licensee is attending school or an adult education program; or
- (iii) The licensee has obtained a high school diploma or its equivalent.
- (C) (i) In cases in which demonstrable financial hardship would result from the suspension of the learner's permit or driver's license, the department may grant exceptions only to the extent necessary to ameliorate the hardship.
- (ii) If it can be demonstrated that the conditions for granting a hardship were fraudulent, the parent, guardian, or person in loco parentis shall be subject to all applicable perjury statutes.
- (3) The department shall have the power to promulgate rules and regulations to carry out the intent of this section and shall distribute to each public, private, and parochial school and each adult education program a copy of all rules and regulations adopted under this section.

REGULATIONS

No relevant regulations found.

Substance use

LAWS

6-18-502. Guidelines for development of school district student discipline policies.

(a) The Department of Education shall establish guidelines for the development of school district student discipline policies.

(b) Such guidelines shall include, but not be limited to, the following requirements:

(1) Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies;

(2) (A) The student discipline policies shall be reviewed annually by the school district's committee on personnel policies.

(B) The committee may recommend changes in the policies to the board of directors of the local school district; and

(3) Student discipline policies shall include, but not be limited to, the following offenses:

(A) Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;

(B) Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school board of directors;

(C) Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property;

(D) Possession by a student of any paging device, beeper, or similar electronic communication device on the school campus, however:

(i) The policy may provide an exemption for possession of such a device by a student who is required to use such a device for health or other compelling reasons; and

(ii) The policy may exempt possession of such a device after normal school hours for extracurricular activities; and

(E) Willfully or intentionally damaging, destroying, or stealing school property by students.

(c) The school discipline policies shall:

(1) Prescribe minimum and maximum penalties, including students' suspension or dismissal from school, for violations of each of the aforementioned offenses and for violations of other practices prohibited by school discipline policies;

(2) (A) Prescribe expulsion from school for a period of not less than one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.

(B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;

(3) Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school board of directors;

(4) Include prevention, intervention, and conflict resolution provisions; and

(5) Set forth the role and authority of public school employees and volunteers as provided in this subchapter.

- (d) Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.
- (e) Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.
- (f) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline training.
- (g) If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.
- (h) In developing the state guidelines for school district discipline policies, the department shall involve parents, students, teachers, and administrators.

REGULATIONS

No relevant regulations found.

Bullying, harassment, or hazing

LAWS

5-71-217. Cyberbullying.

- (a) As used in this section:
 - (1) "Communication" means the electronic communication of information of a person's choosing between or among points specified by the person without change in the form or content of the information as sent and received; and
 - (2) "Electronic means" means any textual, visual, written, or oral communication of any kind made through the use of a computer online service, Internet service, telephone, or any other means of electronic communication, including without limitation to a local bulletin board service, an Internet chat room, electronic mail, a social networking site, or an online messaging service.
- (b) A person commits the offense of cyberbullying if:
 - (1) He or she transmits, sends, or posts a communication by electronic means with the purpose to frighten, coerce, intimidate, threaten, abuse, harass, or alarm another person; and
 - (2) The transmission was in furtherance of severe, repeated, or hostile behavior toward the other person.
- (c) The offense of cyberbullying may be prosecuted in the county where the defendant was located when he or she transmitted, sent, or posted a communication by electronic means, in the county where the communication by electronic means was received by the person, or in the county where the person targeted by the electronic communications resides.
- (d) (1) Cyberbullying is a Class B misdemeanor.
 - (2) (A) Cyberbullying of a school employee is a Class A misdemeanor.
 - (B) As used in this subdivision (d) (2), "school employee" means a person who is employed full time or part time at a school that serves students in any of kindergarten through grade twelve (K-12), including without limitation a:
 - (i) Public school operated by a school district;

- (ii) Public school operated by a state agency or institution of higher education;
- (iii) Public charter school; or
- (iv) Private school.

6-5-201. Definition.

(a) As used in this subchapter, "hazing" means:

- (1) Any willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student alone or acting with others which is directed against any other student and done for the purpose of intimidating the student attacked by threatening him or her with social or other ostracism or of submitting such student to ignominy, shame, or disgrace among his or her fellow students, and acts calculated to produce such results;
- (2) The playing of abusive or truculent tricks on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student alone or acting with others, upon another student to frighten or scare him or her;
- (3) Any willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student alone or acting with others which is directed against any other student done for the purpose of humbling the pride, stifling the ambition, or impairing the courage of the student attacked or to discourage him or her from remaining in that school, college, university, or other educational institution, or reasonably to cause him or her to leave the institution rather than submit to such acts; or
- (4) Any willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student alone or acting with others in striking, beating, bruising, or maiming; or seriously offering, threatening, or attempting to strike, beat, bruise, or maim; or to do or seriously offer, threaten, or attempt to do physical violence to any student of any such educational institution; or any assault upon any such student made for the purpose of committing any of the acts, or producing any of the results, to such student as defined in this section.

(b) The term "hazing" as defined in this section:

- (1) Does not include customary athletic events or similar contests or competitions; and
- (2) Is limited to those actions taken and situations created in connection with initiation into or affiliation with an organization, extracurricular activity, or sports program.

6-5-202. Prohibitions.

(a) A student of any school, college, university, or other educational institution in Arkansas shall not engage in hazing or encourage, aid, or assist any other student in hazing.

(b) (1) No person shall knowingly permit, encourage, aid, or assist any person in committing the offense of hazing, or willfully acquiesce in the commission of such offense, or fail to report promptly his or her knowledge or any reasonable information within his or her knowledge of the presence and practice of hazing in this state to an appropriate administrative official of the school, college, university, or other educational institution in Arkansas.

(2) Any act of omission or commission shall be deemed hazing under the provisions of this subsection (b).

6-5-203. Penalties.

(a) The offense of hazing is a Class B misdemeanor.

(b) Upon conviction of any student of the offense of hazing, he or she shall, in addition to any punishment imposed by the court, be expelled from the school, college, university, or other educational institution he or she is attending.

6-18-514. Antibullying policies.

(a) The General Assembly finds that every public school student in this state has the right to receive his or her public education in a public school educational environment that is reasonably free from substantial intimidation, harassment, or harm or threat of harm by another student.

(b) As used in this section:

(1) "Attribute" means an actual or perceived personal characteristic including without limitation race, color, religion, ancestry, national origin, socioeconomic status, academic status, disability, gender, gender identity, physical appearance, health condition, or sexual orientation;

(2) "Bullying" means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence by a student against another student or public school employee by a written, verbal, electronic, or physical act that may address an attribute of the other student, public school employee, or person with whom the other student or public school employee is associated and that causes or creates actual or reasonably foreseeable:

(A) Physical harm to a public school employee or student or damage to the public school employee's or student's property;

(B) Substantial interference with a student's education or with a public school employee's role in education;

(C) A hostile educational environment for one (1) or more students or public school employees due to the severity, persistence, or pervasiveness of the act; or

(D) Substantial disruption of the orderly operation of the school or educational environment;

(3) "Electronic act" means without limitation a communication or image transmitted by means of an electronic device, including without limitation a telephone, wireless phone or other wireless communications device, computer, or pager;

(4) "Harassment" means a pattern of unwelcome verbal or physical conduct relating to another person's constitutionally or statutorily protected status that causes, or reasonably should be expected to cause, substantial interference with the other's performance in the school environment; and

(5) "Substantial disruption" means without limitation that any one (1) or more of the following occur as a result of the bullying:

(A) Necessary cessation of instruction or educational activities;

(B) Inability of students or educational staff to focus on learning or function as an educational unit because of a hostile environment;

(C) Severe or repetitive disciplinary measures are needed in the classroom or during educational activities; or

(D) Exhibition of other behaviors by students or educational staff that substantially interfere with the learning environment.

(c) Bullying of a public school student or a public school employee is prohibited.

(d) A school principal or his or her designee who receives a credible report or complaint of bullying shall promptly investigate the complaint or report and make a record of the investigation and any action taken as a result of the investigation.

(e) (1) The board of directors of every school district shall adopt policies to prevent bullying.

(2) The policies shall:

- (A) (i) Clearly define conduct that constitutes bullying.
- (ii) The definition shall include without limitation the definition contained in subsection (b) of this section;
- (B) Prohibit bullying:
 - (i) While in school, on school equipment or property, in school vehicles, on school buses, at designated school bus stops, at school-sponsored activities, at school-sanctioned events; or
 - (ii) (a) By an electronic act that results in the substantial disruption of the orderly operation of the school or educational environment.
 - (b) This section shall apply to an electronic act whether or not the electronic act originated on school property or with school equipment, if the electronic act is directed specifically at students or school personnel and maliciously intended for the purpose of disrupting school and has a high likelihood of succeeding in that purpose;
- (C) State the consequences for engaging in the prohibited conduct, which may vary depending on the age or grade of the student involved;
- (D) Require that a school employee who has witnessed or has reliable information that a pupil has been a victim of bullying as defined by the district shall report the incident to the principal;
- (E) Require that the person or persons who file a complaint will not be subject to retaliation or reprisal in any form;
- (F) Require that notice of what constitutes bullying, that bullying is prohibited, and that the consequences of engaging in bullying be conspicuously posted in every classroom, cafeteria, restroom, gymnasium, auditorium, and school bus in the district; and
- (G) Require that copies of the notice of what constitutes bullying, that bullying is prohibited, and that the consequences of engaging in bullying be provided to parents, students, school volunteers, and employees. Each policy shall require that a full copy of the policy be made available upon request.
- (f) A school district shall provide training on compliance with the antibullying policies to all public school district employees responsible for reporting or investigating bullying under this section.
- (g) A school employee who has reported violations under the school district's policy shall be immune from any tort liability that may arise from the failure to remedy the reported incident.
- (h) The board of directors of a school district may provide opportunities for school employees to participate in programs or other activities designed to develop the knowledge and skills to prevent and respond to acts covered by this policy.
- (i) The school district shall provide the Department of Education with the website address at which a copy of the policies adopted in compliance with this section may be found.
- (j) This section is not intended to:
 - (1) Restrict a public school district from adopting and implementing policies against bullying or school violence or policies to promote civility and student dignity that are more inclusive than the antibullying policies required under this section; or
 - (2) Unconstitutionally restrict protected rights of freedom of speech, freedom of religious exercise, or freedom of assembly.

6-18-1005. Student services program defined.

- (a) "Student services program" means a coordinated effort, which shall include, but is not limited to:
 - (5) Group conflict resolution services, which shall include, but are not limited to, the following:
 - (C) Programs designed to prevent bullying;

REGULATIONS

No relevant regulations found.

Other special infractions or conditions

LAWS

6-18-502. Guidelines for development of school district student discipline policies.

(a) The Department of Education shall establish guidelines for the development of school district student discipline policies.

(b) Such guidelines shall include, but not be limited to, the following requirements:

(1) Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies;

(2) (A) The student discipline policies shall be reviewed annually by the school district's committee on personnel policies.

(B) The committee may recommend changes in the policies to the board of directors of the local school district; and

(3) Student discipline policies shall include, but not be limited to, the following offenses:

(A) Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;

(B) Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school board of directors;

(C) Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property;

(D) Possession by a student of any paging device, beeper, or similar electronic communication device on the school campus, however:

(i) The policy may provide an exemption for possession of such a device by a student who is required to use such a device for health or other compelling reasons; and

(ii) The policy may exempt possession of such a device after normal school hours for extracurricular activities; and

(E) Willfully or intentionally damaging, destroying, or stealing school property by students.

(c) The school discipline policies shall:

(1) Prescribe minimum and maximum penalties, including students' suspension or dismissal from school, for violations of each of the aforementioned offenses and for violations of other practices prohibited by school discipline policies;

(2) (A) Prescribe expulsion from school for a period of not less than one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.

(B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;

(3) Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school board of directors;

(4) Include prevention, intervention, and conflict resolution provisions; and

- (5) Set forth the role and authority of public school employees and volunteers as provided in this subchapter.
- (d) Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.
- (e) Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.
- (f) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline training.
- (g) If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.
- (h) In developing the state guidelines for school district discipline policies, the department shall involve parents, students, teachers, and administrators.

6-18-512. Seizure of hand-held laser pointers.

Each school district shall adopt a policy providing for the seizure by school personnel of hand-held laser pointers in the possession of students.

6-18-515. Use of personal electronic devices.

- (a) As used in this section, "personal electronic device" means without limitation a:
 - (1) Cellular telephone;
 - (2) Paging device;
 - (3) Beeper;
 - (4) Mobile telephone that offers advanced computing and Internet accessibility;
 - (5) Digital media player;
 - (6) Portable game console;
 - (7) Tablet, notebook, or laptop computer;
 - (8) Digital camera; and
 - (9) Digital video or audio recorder.
- (b) A school district may establish a written student discipline policy and exemptions concerning the possession and use by a student of a personal electronic device:
 - (1) On school property;
 - (2) At an after-school activity; or
 - (3) At a school-related function.
- (c) The policy may, without limitation:
 - (1) Allow or restrict the possession and use of a personal electronic device;
 - (2) Allow the use of a personal electronic device in school for instructional purposes at the discretion of a teacher or administrator;
 - (3) Limit the times or locations in which a personal electronic device may be used to make telephone calls, send text messages or emails, or engage in other forms of communication;

- (4) Allow or prohibit the use of any photographic, audio, or video recording capabilities of a personal electronic device while in school;
- (5) Exempt the possession or use of a personal electronic device by a student who is required to use such a device for health or another compelling reason;
- (6) Exempt the possession or use of a personal electronic device after normal school hours for extracurricular activities; and
- (7) Include other relevant provisions deemed appropriate and necessary by the school district.

6-18-603. Unlawful organizations.

Any public school fraternity, sorority, or secret society or organization as defined in this subchapter is declared to be inimical to public free schools and therefore unlawful.

REGULATIONS

No relevant regulations found.

Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

6-18-502. Guidelines for development of school district student discipline policies.

(a) The Department of Education shall establish guidelines for the development of school district student discipline policies.

(c) The school discipline policies shall:

(4) Include prevention, intervention, and conflict resolution provisions;

6-18-1005. Student services program defined.

(a) "Student services program" means a coordinated effort, which shall include, but is not limited to:

(7) The distribution of a suicide prevention public awareness program developed for distribution by the Arkansas Youth Suicide Prevention Task Force.

REGULATIONS

No relevant regulations found.

Behavioral interventions and student support services

LAWS

6-18-1001. Title.

This subchapter shall be known and may be cited as the "Public School Student Services Act".

6-18-1002. Purpose.

It is the intent of the General Assembly to articulate the functions served by each of the components of a program of student services. It is further the intent of the General Assembly that each school district develop and implement a plan for providing student services to all students in the public school system, including area vocational-technical schools. Such plan shall be implemented no later than the 1991-1992 school year. It is the intent of the General Assembly that student services coordinators be given time to fulfill their responsibilities under this subchapter.

6-18-1003. Rules and regulations.

The State Board of Education is authorized to adopt rules to carry out the intent of this legislation; such rules shall include, but need not be limited to:

(1) A description of the student services program at all educational levels for which the school board of directors is responsible;

(2) Criteria for the development by each school of a building-based student services plan which reflects input from parents, teachers, principals, students, and other agencies;

(3) Identification of alternative student services personnel who do not meet traditional graduate school requirements and who may be used by the school board of directors in providing the recommended

student services, including, but not limited to, paraprofessionals, teachers, parents, and representatives of business and industry; and

(4) Establishment of minimum standards for all areas of student services personnel.

6-18-1004. School district plan.

(a) (1) Each school district shall develop and implement a plan that ensures that individual student services are coordinated in a manner utilizing such techniques as differentiated staffing so as to make maximum use of the contribution of each service.

(2) Only those trained and certified in the appropriate specialty or following a Department of Education's deficiency removal plan will be assigned to carry out the duties of each service.

(b) Each school district plan shall reflect the use of alternative methods of classroom management. Such methods may include, but are not limited to, the following:

(1) Behavioral contracting;

(2) Dispute resolution;

(3) Classroom meetings;

(4) Logical consequences;

(5) Assertive discipline;

(6) Behavior modification; and

(7) Career and academic counseling.

(c) (1) Each school district plan shall provide for a district-level tracking system for school dropouts and for students who fail to reach proficiency on state-mandated assessments.

(2) The tracking system shall include provisions for student services personnel in all schools to conduct exit interviews of students who are dropping out of school and for follow-up of such students when possible.

(d) The superintendent of a school district not in substantial compliance with the terms of its plan may be requested to appear before the Senate Interim Committee on Education and the House Interim Committee on Education.

6-18-1005. Student services program defined.

(a) "Student services program" means a coordinated effort, which shall include, but is not limited to:

(1) Guidance and counseling services, which shall include, but are not limited to:

(A) The availability of individual and group counseling to all students;

(B) Orientation programs for new students at each level of education and for transferring students;

(C) Academic advisement for class selection by establishing academic goals in elementary, middle, and high school;

(D) Consultation with parents, faculty, and out-of-school agencies concerning student problems and needs;

(E) Utilization of student records and files;

(F) Interpretation of augmented, criterion-referenced, or norm-referenced assessments and dissemination of results to the school, students, parents, and community;

(G) The following up of early school dropouts and graduates;

(H) A school-initiated system of parental involvement;

- (I) An organized system of informational resources on which to base educational and vocational decision making;
 - (J) Educational, academic assessment, and career counseling, including advising students on the national college assessments, workforce opportunities, and alternative programs that could provide successful high school completion and postsecondary opportunities for students;
 - (K) Coordinating administration of the Test for Adult Basic Education or the General Educational Development pretest to students by designating appropriate personnel, other than the school guidance counselor, to administer the tests;
 - (L) Classroom guidance, which shall be limited to forty-minute class sessions, not to exceed three (3) per day or ten (10) per week; and
 - (M) Guidance in understanding the relationship between classroom performance and success in school;
- (2) Psychological services, which shall include, but are not limited to, the following:
- (A) Evaluation of students with learning or adjustment problems;
 - (B) Evaluation of students in exceptional child education programs;
 - (C) Consultation and counseling with parents, students, and school personnel to ensure that all students are ready to succeed and that all students are preparing for college and work;
 - (D) A system for the early identification of learning potential and factors that affect the child's educational performance;
 - (E) A system of liaison and referrals, with resources available outside the school; and
 - (F) Written policies that assure ethical procedures in psychological activities;
- (3) Visiting teacher and school social work services, which shall include, but are not limited to, the following:
- (A) Providing casework to assist in the prevention and remediation of problems of attendance, behavior, adjustment, and learning; and
 - (B) Serving as liaison between the home and school by making home visits and referring students and parents to appropriate school and community agencies for assistance;
- (4) Career services, which shall include, but are not limited to, the dissemination of career education information, appropriate course-taking patterns, and the effect of taking more rigorous courses so that students are better prepared for college and work success;
- (5) Group conflict resolution services, which shall include, but are not limited to, the following:
- (A) Educational and social programs that help students develop skills enabling them to resolve differences and conflicts between groups;
 - (B) Programs designed to promote understanding, positive communication, and greater utilization of a race relations specialist or human relations specialist to assist in the development of intergroup skills; and
 - (C) Programs designed to prevent bullying;
- (6) Health services, which shall include, but are not limited to, the following:
- (A) Students with special health care needs, including the chronically ill, medically fragile, and technology-dependent, and students with other health impairments shall have individualized health care plans;
 - (B) (i) Invasive medical procedures required by students and provided at the school shall be performed by trained, licensed personnel who are licensed to perform the task subject to § 17-87-

102(6)(D) or other professional licensure statutes, unless permitted under § 17-87-103(10) and (11).

(ii) The regular classroom teacher shall not perform these tasks, except that public school employees may volunteer to be trained and administer glucagon to a student with type 1 diabetes in an emergency situation permitted under § 17-87-103(11); and

(C) Custodial health care services required by students under individualized health care plans shall be provided by trained school employees other than the regular classroom teachers; and

(7) The distribution of a suicide prevention public awareness program developed for distribution by the Arkansas Youth Suicide Prevention Task Force.

(b) School counselors shall spend at least seventy-five percent (75%) of work time each month during the school year providing direct counseling related to students and shall devote no more than twenty-five percent (25%) of work time each month during the school year to administrative activities provided that the activities relate to the provision of guidance services.

6-18-1006. Occupational and placement specialist.

(a) The occupational and placement specialist shall serve as liaison between employers and the school.

(b) It is the responsibility of the district placement to make written board recommendations to the superintendent for consideration by the district school board of directors concerning areas of curriculum deficiency having an adverse effect on the employability of job candidates or progress in subsequent education experiences.

(c) Furthermore, district administrative personnel shall report to the school board of directors concerning adjustments in program outcomes, curricula, and delivery of instruction as they are made with the use of placement and follow-up information.

(d) The follow-up studies conducted by occupational and placement services shall be on a statistically valid random-sampling basis when appropriate and shall be stratified to reflect the appropriate vocational programs of students graduating from or leaving the public school system.

6-18-1007. School student services status report.

(a) By January 1, 1994, and each year thereafter, the Department of Education shall compile and present to the Governor, the State Board of Education, the Senate Interim Committee on Education, and the House Interim Committee on Education a report outlining monitoring findings and the status of implementing each of the provisions of this subchapter by the various school districts, including which districts are in substantial compliance with the plan required under this subchapter.

(b) (1) (A) By January 1, 1998, the department shall have in place a staffing structure which assures that the department's administration and field service staff are responsible for monitoring the department and local school district implementation and compliance with the provisions of this subchapter.

(B) The department shall employ one (1) or more persons who shall have a minimum qualification of certification as a school counselor.

(2) Each school district shall be responsible for submitting an annual report to the Assistant Director for School Improvement and Instructional Support of the Department of Education outlining its compliance with and implementation of plans for the provisions of this section.

(3) (A) The Commissioner of Education, in consultation with the appropriate assistant director, shall designate an individual or individuals who shall have a minimum qualification of certification as a school counselor to be responsible for coordinating the monitoring of compliance with this section.

6-18-1008. Implementation.

- (a) The State Board of Education shall cause the Commissioner of Education to designate one (1) employee who shall be responsible for overseeing the implementation of this subchapter.
- (b) By January 1, 1994, and each year thereafter, the Department of Education shall compile and present to the Governor, the state board, the House Committee on Education, and the Senate Committee on Education a report outlining the status of implementing each of the provisions of this subchapter by the various school districts.

6-18-1009. Career development.

- (a) Each school counselor shall provide a career planning process for each student to include career awareness, employment readiness, career information, and the knowledge and skills necessary to achieve career goals.
- (b) School counselors shall also encourage parents, during regular parent conferences, to support partnerships in their children's learning and career planning processes.

6-48-101. Definitions.

As used in this chapter:

- (1) (A) (i) "Alternative learning environment" means an alternate class or school that affords all students an environment that seeks to eliminate barriers to learning for students whose academic and social progress are negatively affected by the student's personal characteristics or situation.
 - (ii) The Department of Education shall by rule more fully define the student's personal characteristics and situations applicable under this chapter.
- (B) An alternative learning environment is not a punitive environment but one that is conducive to learning; and
- (2) "Intervention services" means activities within or outside a school that will eliminate traditional barriers to learning.

6-48-102. Alternative learning environment required -- Reporting.

- (a) (1) A school district shall provide one (1) or more alternative learning environments for all students who meet the minimum criteria established by the Department of Education.
 - (2) A school district complies with this section if the school district provides an alternative learning environment by one (1) or more of the following methods:
 - (A) Establishes and operates an alternative learning environment;
 - (B) Cooperates with one (1) or more other school districts to establish and operate an alternative learning environment; or
 - (C) Uses an alternative learning environment operated by an education service cooperative established under The Education Service Cooperative Act of 1985, § 6-13-1001 et seq.
- (b) Annually, a school district shall submit to the department:
 - (1) Information on race and gender of the students educated in the alternative learning environment;
 - (2) Any other information regarding students educated in alternative learning environments that the department requires by rule; and
 - (3) An assurance statement that the school district is in compliance with this chapter.

6-48-103. Assessment and intervention services.

- (a) An alternative learning environment shall:

- (1) Assess a student either before or upon entry into the alternative learning environment; and
- (2) Provide intervention services designed to address a student's specific educational needs.
- (b) (1) A student assigned to an alternative learning environment for behavioral reasons shall receive intervention services designed to address the student's behavioral needs.
- (2) The intervention services shall not be punitive in nature but shall be designed for long-term improvement of the student's ability to control his or her behavior.

6-48-104. Department of Education responsibilities.

- (a) The Department of Education shall promulgate rules to implement this chapter, including without limitation rules that establish:
 - (1) (A) The criteria for distributing state funding for alternative learning environment programs.
 - (B) The criteria shall identify the characteristics of students who may be counted for the purpose of funding an alternative learning environment program including without limitation that a student is educated in the alternative learning environment for a minimum of twenty (20) consecutive days.
 - (C) If a student is educated in the alternative learning environment for fewer than twenty (20) days, the department may provide funding to a school district based on the actual number of days the student is educated in the alternative learning environment if the student:
 - (i) Leaves the school district to transfer to another alternative learning environment; or
 - (ii) Is placed in a residential treatment program;
 - (2) (A) The criteria for teacher training for teachers in alternative learning environments, including without limitation:
 - (i) In-service training in classroom management; and
 - (ii) Training in additional areas related to the specific needs and characteristics of students who are educated in alternative learning environments.
 - (B) The department shall award professional development credit for the training under this subdivision (a)(2); and
 - (3) Measures of effectiveness for alternative learning environments that measure:
 - (A) For the students educated in the alternative learning environment the effect on the students':
 - (i) School performance;
 - (ii) Need for intervention; and
 - (iii) School attendance and dropout rate; and
 - (B) Any other characteristic of alternative learning environments deemed necessary by the department.
- (b) (1) As part of the department's accreditation review of a school district under § 6-15-202, the department shall evaluate each alternative learning environment to ensure that the alternative learning environment is:
 - (A) Established and operated in compliance with this chapter; and
 - (B) Effective under the measurements established by the department under this section.
- (2) The department shall identify a school district's noncompliance with this chapter on the school district's annual report card.
- (c) The department shall identify information concerning best practices for educating students in alternative learning environments and disseminate that information to teachers and administrators working in alternative learning environments.

(d) Annually by September 15 the department shall provide to the House Interim Committee on Education and the Senate Interim Committee on Education a report on:

- (1) The information reported to it under § 6-48-102; and
- (2) The effectiveness of alternative learning environments evaluated under this chapter.

REGULATIONS

No relevant regulations found.

Professional development

LAWS

A.C.A. § 6-15-1303. Safe Schools Initiative Act

(b)(2)(C) The Safe Schools Initiative training also may include without limitation the training and education needed to assist a public school in:

- (ii) Delivering education to students and faculty on public safety and legal topics such as drugs and alcohol abuse, sexual assault, bullying and cyberbullying, gangs, preventing the possession of weapons by minors, and responding to the threat of weapons at school;

6-18-502. Guidelines for development of school district student discipline policies.

(f) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline training.

REGULATIONS

No relevant regulations found.

Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

6-17-113. Duty to report and investigate student criminal acts.

(a) As used in this section:

(1) "Act of violence" means any violation of Arkansas law where a person purposely or knowingly causes or threatens to cause death or serious physical injury to another person;

(2) "Deadly weapon" means:

(A) A firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious physical injury; or

(B) Anything that in the manner of its use or intended use is capable of causing death or serious physical injury; and

(3) "Firearm" means any device designed, made, or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use, including such a device that is not loaded or lacks a clip or other component to render it immediately operable, and components that can readily be assembled into such a device.

(b) Whenever the principal or other person in charge of a public school has personal knowledge or has received information leading to a reasonable belief that any person has committed or has threatened to commit an act of violence or any crime involving a deadly weapon on school property or while under school supervision, the principal or the person in charge shall immediately report the incident or threat to the superintendent of the school district and the appropriate local law enforcement agency. The report shall be by telephone or in person immediately after the incident or threat and shall be followed by a written report within three (3) business days. The principal shall notify any school employee or other person who initially reported the incident that a report has been made to the appropriate law enforcement agency. The superintendent or his designee shall notify the local school board of directors of any report made to law enforcement under this section.

(c) (1) Whenever a law enforcement officer receives a report of an incident pursuant to subsection (b) of this section, that officer shall immediately report the incident to the office of the prosecuting attorney and shall immediately initiate an investigation of the incident.

(2) The investigation shall be conducted with all reasonable haste and, upon completion, shall be referred to the prosecuting attorney.

(3) The prosecuting attorney shall implement the appropriate course of action and within thirty (30) calendar days after receipt of the file, the prosecuting attorney shall provide a written report to the principal. The report shall state:

(A) Whether the investigation into the reported incident is ongoing;

(B) Whether any charges have been filed in either circuit court or the juvenile division of circuit court as a result of the reported incident; and

(C) The disposition of the case.

(4) Upon receipt of the report from the prosecuting attorney, the principal shall notify any school employee or any other person who initially reported the incident that a report has been received from the prosecuting attorney.

- (d) Excluding the reporting requirement set out in subdivision (c)(3) of this section, any person who purposely fails to report as required by this section shall be guilty of a Class C misdemeanor.
- (e) The State Board of Education shall promulgate rules and regulations to ensure uniform compliance with the requirements of this section and shall consult with the office of the Attorney General concerning the development of these rules and regulations.

REGULATIONS

No relevant regulations found.

Parental notification

LAWS

6-18-502. Guidelines for development of school district student discipline policies.

- (a) The Department of Education shall establish guidelines for the development of school district student discipline policies.
- (c) The school discipline policies shall:
- (3) Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school board of directors;

6-18-513. Parental notification.

- (a) A school or school district shall comply with subsection (b) of this section if the school or school district with respect to a student under the age of eighteen (18):
- (1) Makes a report to any law enforcement agency concerning student misconduct;
- (2) Grants law enforcement personnel other than a school resource officer acting in the normal course and scope of his or her assigned duties access to a student; or
- (3) Knows that a student has been taken into custody by law enforcement personnel during the school day or while under school supervision.
- (b) (1) The principal or, in the principal's absence, the principal's designee shall make a reasonable, good faith effort to notify the student's parent, legal guardian, or other person having lawful control of the student by court order or person acting in loco parentis listed on student enrollment forms of the occurrence of any of the events in subsection (a) of this section.
- (2) The principal or the principal's designee shall notify the student's parent, legal guardian, or other person having lawful control of the student under an order of court or person acting in loco parentis that the student has been reported to, interviewed by, or taken into custody by law enforcement personnel.
- (3) If the principal or the principal's designee is unable to reach the parent, he or she shall make a reasonable, good faith effort to get a message to the parent to call either the principal or the principal's designee and leave both a day and an after-hours telephone number.
- (c) Notification required by subsection (b) of this section is not required if school personnel make a report or file a complaint based on suspected child maltreatment as required under § 12-18-401 et seq. or if a law enforcement officer, investigator of the Crimes Against Children Division of the Department of Arkansas State Police, or Department of Human Services investigator or personnel member interviews a student during the course of an investigation of suspected child maltreatment.
- (d) (1) The principal or the principal's designee shall not provide notification under subsection (b) of this section if a request is made to interview a student during the course of an investigation of suspected child

maltreatment and a parent, guardian, custodian, or person standing in loco parentis is named as an alleged offender.

(2) The investigator shall provide the school with documentation that notification to the parent, guardian, custodian, or person standing in loco parentis is prohibited.

(e) Subsection (d) of this section shall only apply to interview requests made by:

(1) A law enforcement officer;

(2) An investigator of the Crimes Against Children Division of the Department of Arkansas State Police;
or

(3) An investigator or employee of the Department of Human Services.

REGULATIONS

No relevant regulations found.

Reporting and referrals between schools and law enforcement

LAWS

6-17-113. Duty to report and investigate student criminal acts.

(a) As used in this section:

(1) "Act of violence" means any violation of Arkansas law where a person purposely or knowingly causes or threatens to cause death or serious physical injury to another person;

(2) "Deadly weapon" means:

(A) A firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious physical injury; or

(B) Anything that in the manner of its use or intended use is capable of causing death or serious physical injury; and

(3) "Firearm" means any device designed, made, or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use, including such a device that is not loaded or lacks a clip or other component to render it immediately operable, and components that can readily be assembled into such a device.

(b) Whenever the principal or other person in charge of a public school has personal knowledge or has received information leading to a reasonable belief that any person has committed or has threatened to commit an act of violence or any crime involving a deadly weapon on school property or while under school supervision, the principal or the person in charge shall immediately report the incident or threat to the superintendent of the school district and the appropriate local law enforcement agency. The report shall be by telephone or in person immediately after the incident or threat and shall be followed by a written report within three (3) business days. The principal shall notify any school employee or other person who initially reported the incident that a report has been made to the appropriate law enforcement agency. The superintendent or his designee shall notify the local school board of directors of any report made to law enforcement under this section.

(c) (1) Whenever a law enforcement officer receives a report of an incident pursuant to subsection (b) of this section, that officer shall immediately report the incident to the office of the prosecuting attorney and shall immediately initiate an investigation of the incident.

(2) The investigation shall be conducted with all reasonable haste and, upon completion, shall be referred to the prosecuting attorney.

(3) The prosecuting attorney shall implement the appropriate course of action and within thirty (30) calendar days after receipt of the file, the prosecuting attorney shall provide a written report to the principal. The report shall state:

(A) Whether the investigation into the reported incident is ongoing;

(B) Whether any charges have been filed in either circuit court or the juvenile division of circuit court as a result of the reported incident; and

(C) The disposition of the case.

(4) Upon receipt of the report from the prosecuting attorney, the principal shall notify any school employee or any other person who initially reported the incident that a report has been received from the prosecuting attorney.

(d) Excluding the reporting requirement set out in subdivision (c)(3) of this section, any person who purposely fails to report as required by this section shall be guilty of a Class C misdemeanor.

(e) The State Board of Education shall promulgate rules and regulations to ensure uniform compliance with the requirements of this section and shall consult with the office of the Attorney General concerning the development of these rules and regulations.

6-18-221. Cooperation of law enforcement agencies.

(a) Any public school district may enter into a cooperative agreement with local law enforcement officials to implement within the district an "Operation Stay in School Program".

(b) Upon the request of the board of directors of the school district, the law enforcement agency shall stipulate, with the administration of the school district, specific days and hours when law enforcement officers will attempt to locate school-age students in the community who are off school premises during school hours without valid documentation excusing their absence.

(c) Any certified law enforcement officer may stop and detain any unsupervised school-age student located off school premises during school hours and request the production of documentation excusing the student's absence from school.

(d) Upon the student's failure to produce sufficient documentation, the law enforcement officer may take the student into custody and return the student to his or her school, transport the student to his or her parent, or transport the student to the truancy reception center, which shall not be a jail, juvenile detention center, or police department, and which has been designated by the school district.

(e) (1) Any school district adopting this program shall include in its attendance policy a notice to parents and students that it has entered into a cooperative agreement with law enforcement officials to implement an Operation Stay in School Program, and unsupervised students found off school premises during school hours shall be subject to questioning by a law enforcement officer under the program.

(2) Any school district adopting this program shall include provisions for furnishing valid documentation for a student in work-study programs or other authorized absences from school premises in order to assist law enforcement officers in determining the validity of documentation excusing the student's absence from school during school hours.

REGULATIONS

No relevant regulations found.

Disclosure of school records

LAWS

6-18-901. Maintenance of permanent student records.

(a) The Department of Education, at the direction of the State Board of Education and in cooperation with any other appropriate state agencies, shall develop and publish an itemized listing of all information to be maintained in a student's permanent record during enrollment in a school district in this state.

(b) The permanent student record shall include all information concerning educational programming provided a student who fails to achieve mastery level performance on all administrations of the basic competency tests required under the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq.

(c) Each school district shall maintain a permanent student record for each student.

(d) (1) (A) A copy of the permanent student record shall be provided to the receiving school district upon the transfer of a student to another district.

(B) The school district shall provide the copy of the student's permanent student record to the receiving school district within ten (10) school days after the date a request from the receiving school district is received.

(C) The school district shall not fail or refuse to provide a copy of the student's permanent student record to the receiving school district because the student owes money to the school district for school-related charges, including without limitation charges for:

- (i) Food services;
- (ii) Unreturned library books; or
- (iii) Fees.

(2) Upon request by the Division of Youth Services of the Department of Human Services, a copy of the education record, as defined by regulations promulgated by the Department of Education, shall be transmitted to the division within ten (10) school days.

(e) The permanent student record shall be maintained by each school district until the student receives a high school diploma or its equivalent or is beyond the age for compulsory attendance under § 6-18-201.

(f) Nothing in this section shall be construed to prevent the maintenance of a permanent student record by electronic database provided that a copy of the record can be produced for transmittal to another district upon the transfer of the student.

REGULATIONS

No relevant regulations found.

Data collection, review, and reporting of disciplinary policies and actions

LAWS

6-18-503. Written student discipline policies required.

(a) (1) (A) Each school district in this state shall develop written student discipline policies in compliance with the guidelines established by the Department of Education and shall file such policies with the department.

(e) Any amendment or revision to the student discipline policies adopted by a school district shall be submitted to the department within thirty (30) days after the adoption of such amendment or revision.

6-18-504. Compliance with §§ 6-18-502 and 6-18-503.

(a) The Department of Education shall monitor compliance with the requirements of §§ 6-18-502 and 6-18-503, and the State Board of Education shall adopt rules and regulations for the administration of the requirements thereof.

(b) Any school district failing to file the disciplinary policy required by § 6-18-503 with the department shall have all state aid funds withheld until such disciplinary policy is filed with the department.

(c) Nothing in § 6-18-502, § 6-18-503, or this section, or any student discipline policies promulgated under § 6-18-502, shall limit or restrict the bringing of criminal charges against any person for violating the criminal laws of this state.

6-18-516. Effective school discipline.

(a) As used in this section:

(1) "Disciplinary rate" means a three-year average for each discipline measure of the number of students in a school district or the number of students in a subgroup in the school district who have at least one (1) discipline measure divided by the corresponding total enrollment in the school district or the total enrollment in the subgroup;

(2) "Discipline measure" means:

- (A) In-school suspension;
- (B) Out-of-school suspension;
- (C) Expulsion;
- (D) Corporal punishment; and
- (E) Referrals to law enforcement authorities;

(3) "Rate of disciplinary disparity" means the disciplinary rate for a subgroup subtracted from the disciplinary rate for another comparison subgroup; and

(4) "Subgroup" means the enrollment of students in one (1) of the following demographic groups:

- (A) White students;
- (B) Nonwhite students;
- (C) Low-income students, including without limitation students who are economically disadvantaged for standardized testing purposes;
- (D) Students with disabilities, defined as "a child with a disability" under § 6-41-203; and
- (E) Students whose achievement is at the basic or below basic level, or the equivalent, for the school year on the state-required:
 - (i) Literacy benchmark assessments;
 - (ii) Mathematics benchmark assessments; or
 - (iii) End-of-course assessments.

(b) By July 1 of each year beginning in 2014, the Department of Education shall prepare and provide a report to the State Board of Education and to all school districts that includes the following information:

- (1) The total number of students enrolled in the school district and in each subgroup;
- (2) The percentage that each subgroup represents of the school district's total enrollment;
- (3) The number of students who appear in more than one (1) subgroup;

- (4) The disciplinary rate for each discipline measure for the total student enrollment in a school district;
 - (5) The disciplinary rate for each discipline measure for each subgroup; and
 - (6) The rate of disciplinary disparity for each discipline measure for each subgroup compared with the subgroup with the lowest disciplinary rate.
- (c) The report also:
- (1) May include additional information that the department determines will provide a better understanding of the disciplinary rate or rate of disciplinary disparity of a particular school or school district;
 - (2) Shall include the achievement status for a school district identified in the report; and
 - (3) Shall identify discipline-related strategies, alternatives, and resources available to school districts.
- (d) The department shall:
- (1) Track the progress that school districts in the state have made in reducing the disciplinary rate and rate of disciplinary disparity and:
 - (2) Identify school districts that make progress reducing the disciplinary rate and rate of disciplinary disparity and assess the successful strategies used by those school districts;
 - (3) Assess the gains, if any, in student academic achievement that correspond to the reduction of disciplinary rates and rates of disciplinary disparity; and
 - (4) Report annually to the state board the information under subdivisions (d)(1)-(3) of this section:
 - (A) The progress made for the year;
 - (B) Successful strategies that may be used by other school districts; and
 - (C) The corresponding gains, if any, in student academic achievement.
- (e)(1) The department shall survey districts to determine which school districts are currently implementing evidence-based strategies, including without limitation:
- (A) Positive behavior interventions and support systems; and
 - (B) Restorative justice.
- (2) The department shall:
- (A) Develop information concerning the resources needed by school districts to reduce discipline and the restraint of students with disabilities using the strategies in subdivision (e)(1) of this section; and
 - (B) Provide the information for inclusion in the educational adequacy study required under § 10-3-2102(a)(1)-(4).

REGULATIONS

No relevant regulations found.

School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

6-11-209. Additional truancy officers.

- (a) As used in this section, "school district with a high dropout rate" means an Arkansas school district:
 - (1) That has the most statistically significant rate of dropouts;
 - (2) From which students may enroll in a regional community alternative learning environment center; and
 - (3) That is contiguous to other school districts that meet the criteria under subdivisions (a)(1) and (2) of this section.
- (b) An education service cooperative may receive funding from a local law enforcement agency, a state agency, or a federal agency, or from private donations, to employ one (1) or more truancy officers for a school district with a high dropout rate.
- (c) An education service cooperative may employ under this section:
 - (1) One (1) truancy officer for each school district with a high dropout rate in its service area that has a student population of one thousand (1,000) or fewer students; and
 - (2) Two (2) truancy officers for each school district with a high dropout rate in its service area that:
 - (A) Is a countywide school district; or
 - (B) Has a student population of more than one thousand (1,000) students.
- (d) A truancy officer hired under this section shall complete:
 - (1) The training requirements for juvenile intake and probation officer certification through the Administrative Office of the Courts; and
 - (2) Twelve (12) hours of continuing education annually as approved by the judge for the juvenile division of the circuit court for the county the truancy officer serves.

REGULATIONS

No relevant regulations found.

Certification or training

LAWS

6-11-209. Additional truancy officers.

- (d) A truancy officer hired under this section shall complete:
 - (1) The training requirements for juvenile intake and probation officer certification through the Administrative Office of the Courts; and
 - (2) Twelve (12) hours of continuing education annually as approved by the judge for the juvenile division of the circuit court for the county the truancy officer serves.

12-9-501. Legislative determination.

(a) The Criminal Justice Institute, an educational entity, was created for the purpose of providing management education and training, technical assistance, practical research and evaluation, a clearinghouse, and computer and forensic education and training for Arkansas law enforcement and national law enforcement.

(b) The initiatives developed by the Criminal Justice Institute are applicable on a national level, and this application for conceptualization and practice will be through the National Center for Rural Law Enforcement.

(c) (1) The General Assembly recognizes the importance of providing management, education, and training to law enforcement and, through the initiatives developed by the Criminal Justice Institute, the citizens of the State of Arkansas will be better served.

(2) These initiatives further the enhancement of the workforce through the developmental process of continuing education by which skills are upgraded and capabilities increased.

(3) This process will assist law enforcement ability to adapt to an ever-changing environment.

(d) (1) The General Assembly further recognizes that:

(A) Law enforcement plays a significant role in preventing and responding to acts of violence, terrorism, and natural disasters that occur on public school campuses; and

(B) Matters of public school campus safety require specialized education and training for law enforcement officers, school resource officers, and other school personnel who respond to incidents on school campuses:

(i) To develop and maintain strong partnerships between school personnel and law enforcement in preventing and responding to acts of violence, terrorism, and natural disaster that occur on public school campuses; and

(ii) For law enforcement officers to operate effectively in a school setting.

(2) Initiatives of the Criminal Justice Institute for specialized education and training on public school campus safety will enhance citizen cooperation and understanding of law enforcement in these areas and other issues of crime and violence against school children.

REGULATIONS

No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

6-11-209. Additional truancy officers.

(b) An education service cooperative may receive funding from a local law enforcement agency, a state agency, or a federal agency, or from private donations, to employ one (1) or more truancy officers for a school district with a high dropout rate.

REGULATIONS

No relevant regulations found.

State Education Agency Support

State model policies and implementation support

LAWS

6-18-502. Guidelines for development of school district student discipline policies.

- (a) The Department of Education shall establish guidelines for the development of school district student discipline policies.
- (b) Such guidelines shall include, but not be limited to, the following requirements:
 - (1) Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies;
 - (2) (A) The student discipline policies shall be reviewed annually by the school district's committee on personnel policies.
(B) The committee may recommend changes in the policies to the board of directors of the local school district; and
 - (3) Student discipline policies shall include, but not be limited to, the following offenses:
 - (A) Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;
 - (B) Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school board of directors;
 - (C) Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property;
 - (D) Possession by a student of any paging device, beeper, or similar electronic communication device on the school campus, however:
 - (i) The policy may provide an exemption for possession of such a device by a student who is required to use such a device for health or other compelling reasons; and
 - (ii) The policy may exempt possession of such a device after normal school hours for extracurricular activities; and
 - (E) Willfully or intentionally damaging, destroying, or stealing school property by students.
- (c) The school discipline policies shall:
 - (1) Prescribe minimum and maximum penalties, including students' suspension or dismissal from school, for violations of each of the aforementioned offenses and for violations of other practices prohibited by school discipline policies;
 - (2) (A) Prescribe expulsion from school for a period of not less than one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.
(B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;
 - (3) Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school board of directors;
 - (4) Include prevention, intervention, and conflict resolution provisions; and

- (5) Set forth the role and authority of public school employees and volunteers as provided in this subchapter.
- (d) Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.
- (e) Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.
- (f) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline training.
- (g) If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.
- (h) In developing the state guidelines for school district discipline policies, the department shall involve parents, students, teachers, and administrators.

REGULATIONS

No relevant regulations found.

Funding appropriations

LAWS

6-18-504. Compliance with §§ 6-18-502 and 6-18-503.

- (a) The Department of Education shall monitor compliance with the requirements of §§ 6-18-502 and 6-18-503, and the State Board of Education shall adopt rules and regulations for the administration of the requirements thereof.
- (b) Any school district failing to file the disciplinary policy required by § 6-18-503 with the department shall have all state aid funds withheld until such disciplinary policy is filed with the department.
- (c) Nothing in § 6-18-502, § 6-18-503, or this section, or any student discipline policies promulgated under § 6-18-502, shall limit or restrict the bringing of criminal charges against any person for violating the criminal laws of this state.

REGULATIONS

No relevant regulations found.

Other or Uncategorized

Professional immunity or liability

LAWS

6-17-112. Corporal punishment -- Immunity from liability.

(a) Teachers and administrators in a school district that authorizes use of corporal punishment in the school district's written student discipline policy shall be immune from any civil liability for administering corporal punishment to students, provided only that the corporal punishment is administered in substantial compliance with the school district's written student discipline policy.

(b) As used in subsection (a) of this section, "teachers and administrators" means those persons employed by a school district and required to have a state-issued license as a condition of their employment.

REGULATIONS

No relevant regulations found.

Community input or involvement

LAWS

6-18-226. Community truancy boards -- Members -- Duties.

(a) The local school district boards of directors may create a community truancy board or may use other boards that exist or are created such as diversion boards. However, a diversion or other existing board must agree before it is used as a community truancy board.

(b) Members of the community truancy board shall be selected from representatives of the community.

(c) Duties of a community truancy board shall include, but not be limited to, recommending methods for improving school attendance such as assisting the parent or the child to obtain supplementary services that might eliminate or ameliorate the causes for the absences or suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program.

6-18-502. Guidelines for development of school district student discipline policies.

(a) The Department of Education shall establish guidelines for the development of school district student discipline policies.

(b) Such guidelines shall include, but not be limited to, the following requirements:

(1) Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies;

(2) (A) The student discipline policies shall be reviewed annually by the school district's committee on personnel policies.

(B) The committee may recommend changes in the policies to the board of directors of the local school district; and

(3) Student discipline policies shall include, but not be limited to, the following offenses:

- (A) Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;
 - (B) Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school board of directors;
 - (C) Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property;
 - (D) Possession by a student of any paging device, beeper, or similar electronic communication device on the school campus, however:
 - (i) The policy may provide an exemption for possession of such a device by a student who is required to use such a device for health or other compelling reasons; and
 - (ii) The policy may exempt possession of such a device after normal school hours for extracurricular activities; and
 - (E) Willfully or intentionally damaging, destroying, or stealing school property by students.
- (c) The school discipline policies shall:
- (1) Prescribe minimum and maximum penalties, including students' suspension or dismissal from school, for violations of each of the aforementioned offenses and for violations of other practices prohibited by school discipline policies;
 - (2) (A) Prescribe expulsion from school for a period of not less than one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law.
 - (B) Provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis;

6-18-1003. Rules and regulations.

The State Board of Education is authorized to adopt rules to carry out the intent of this legislation; such rules shall include, but need not be limited to:

- (1) A description of the student services program at all educational levels for which the school board of directors is responsible;
- (2) Criteria for the development by each school of a building-based student services plan which reflects input from parents, teachers, principals, students, and other agencies;
- (3) Identification of alternative student services personnel who do not meet traditional graduate school requirements and who may be used by the school board of directors in providing the recommended student services, including, but not limited to, paraprofessionals, teachers, parents, and representatives of business and industry; and
- (4) Establishment of minimum standards for all areas of student services personnel.

REGULATIONS

No relevant regulations found.

Other or Uncategorized

LAWS

6-18-502. Guidelines for development of school district student discipline policies.

(g) If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.

REGULATIONS

No relevant regulations found.

State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Arkansas provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
<i>Websites</i>		
Anti-Bullying and Violence Prevention	Bullying resources and links to relevant web pages.	http://www.arkansased.org/divisions/communications/safety/anti-bullying
Cyber Safety Resources	Cyber safety resources and links to relevant web pages including legislation, articles, curriculum, games, prevention.	http://www.arkansased.org/divisions/communications/safety/cyber-security-resources
<i>Documents</i>		
Arkansas Department of Education Guidelines for the Development, Review and Revision of School District Student Discipline and School Safety Policies – March 2012	Compilation of rules concerning student discipline and school safety.	http://www.sos.arkansas.gov/rulesRegs/Arkansas%20Register/2012/Feb12Reg/005.15.11-003.pdf
Arkansas Department of Education Advisory Guidelines for the Use of Student Restraints in Public School or Educational Settings	.Advisory guidelines for using restraint in an educational setting.	http://www.arkansased.org/public/userfiles/Learning_Services/Restraints/ADE_Advisory_Guidelines_for_the_Use_of_Student_Restraint_in_Public_School_or_Educational_Settings_2014.pdf
<i>Other Resources</i>		
Nichols Behavior Checklist	The Nichols Behavior Checklist (NBC) is a universal behavior screening tool that yields an individualized report with recommendations to help educators understand the behaviors and emotions of students.	http://www.arkansased.org/divisions/learning-services/alternative-learning-environment/nichols-behavior-checklist